



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೭ Volume - 157	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ೦೪, ಏಪ್ರಿಲ್, ೨೦೨೨ (ಚೈತ್ರ, ೧೪, ಶಕವರ್ಷ, ೧೯೪೪) BENGALURU, MONDAY, 04, APRIL, 2022 (CHAITHRA, 14, SHAKAVARSHA, 1944)	ಸಂಚಿಕೆ ೬೪ Issue 64
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಶಾಇ ೦೭ ಕೇನಿಪು ೨೦೨೧

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೦೧.೦೪.೨೦೨೨.

ದಿನಾಂಕ: ೨೭.೦೫.೨೦೨೧ ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the National Commission for Allied and
Healthcare Professions Rules, 2021ರ NOTIFICATION G.S.R.346(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF HEALTH AND FAMILY WELFARE
NOTIFICATION

New Delhi, the 27th May, 2021

G.S.R. 346(E).— *In exercise of the powers conferred by section 65 of the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021), the Central Government, hereby makes the following rules, namely:—*

1. **Short title and commencement.**— (1) These rules may be called the National Commission for Allied and Healthcare Professions Rules, 2021.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. **Definitions.**—
 - (1) In these rules, unless the context otherwise requires, —
 - (a) “Act” means the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021);
 - (b) “Commission” means the National Commission for Allied and Healthcare Professions constituted under section 3 of the Act;
 - (c) “Form” means a form annexed to these rules;
 - (d) “Section” means a section of the Act.
 - (2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the respective meanings assigned to them in the Act.
3. **Qualifications and experience of the Part - time Member of the Commission under sub-clause (i) of clause (d) of sub-section (3) of section 3.**—
 - (1) Qualification and experience: a person having an outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than fifteen years in the field of allied and healthcare sciences, out of which at least seven years shall be as a leader in the allied and healthcare professions.
 - (2) Zonal distribution of the States and Union Territories:
 - (a) The Northern Zone (8)- Haryana, Himachal Pradesh, Punjab, Rajasthan, National Capital Territory of Delhi, Chandigarh, Jammu & Kashmir, and Ladakh.
 - (b) The Central Zone (4)- Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh.
 - (c) The Eastern Zone (4)- Bihar, Jharkhand, Odisha, and West Bengal.

- (d) The Northeastern Zone (8)- Assam, Arunachal Pradesh, Manipur, Nagaland, Mizoram, Tripura, Meghalaya, and Sikkim.
 - (e) The Western Zone (4) - Goa, Gujarat, Maharashtra, Daman & Diu and Dadra & Nagar Haveli.
 - (f) The Southern Zone (8)-Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Telangana, Puducherry, Andaman and Nicobar Islands, and Lakshadweep.
- (3) The Members shall be appointed by biennial rotation in alphabetical order.
- 4. Manner of selection of the Part-time Member of the Commission under sub-clause (ii) of clause (d) of sub-section (3) of section 3.—** (1) The member shall be appointed on biennial rotation of professions by a committee of Chairperson, Vice-Chairperson and ex-officio member under sub-clause ii of clause (c) of Section 3 of the Act. The Committee shall determine their methodology for selection of members in a transparent and merit-based manner.
- (2) The member shall be appointed for a period of two years
- (3) The part-time member shall be of a different profession as that of the President of the Professional Council, if there is more than one profession under the same Professional Council category.
- 5. Qualification, experience and manner of selection of the Part-time Members of the Commission under sub-clause (iii) of clause (d) of sub-section (3) of section 3.—** (1) The member shall be appointed by the Central Government from amongst the charitable institutions which have been in operation for at least fifteen years in the healthcare system, preferably with a tertiary or super-specialty hospital engaged in direct delivery of affordable healthcare service and education.
- (2) No Institution shall be represented by more than one nominee in the Commission at a time.
- (3) Qualification and experience: A person having an outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than fifteen years in the field of allied and healthcare sciences, out of which at least seven years shall be as a leader in the allied and healthcare professions.
- 6. Salaries and allowances payable to, and other conditions of service of, Chairperson and Vice-chairperson of Commission. —** (1) The salary payable to the Chairperson of the Commission shall be equivalent to the salary of the Additional Secretary to the Government of India in Level-15 in the pay matrix (Rs. 182200-224100/-):
- Provided that where the Chairperson of the Commission is a retired person from Government, semi-Government agencies, public sector undertakings or recognised research institutions, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed the last pay drawn.
- (2) If the Chairperson of the Commission is in service of the Central Government or a State Government, his salary and allowances shall be regulated in accordance with the rules applicable to him or sub-rule (i), whichever is higher and his tenure in the Commission shall be treated as 'transfer on deputation', in terms of prevalent rules of the Government of India.
- (3) The salary payable to the Vice-Chairperson of the Commission shall be equivalent to the salary of the Joint Secretary to the Government of India in Level-14 in the pay matrix (Rs. 144200-218200/-):
- Provided that in case where the Vice-Chairperson of the Commission is a retired person from Government, semi-Government agencies, public sector undertakings or recognised research institutions, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed the last pay drawn.
- (4) If the Vice-Chairperson of the Commission is in service of the Central Government or a State Government, his salary and allowances shall be regulated in accordance with the rules applicable to him or sub-rule (iii), whichever is higher and his tenure in the Commission shall be treated as 'transfer on deputation', in terms of prevalent rules of the Government of India.
- (5) Declaration of assets, professional and commercial engagement or involvement by Chairperson and Vice-Chairperson of Commission —

- (a) The Chairperson and Vice-Chairperson of the Commission shall file return of assets and liabilities in the manner as per prevalent rules or guidelines for employees of equivalent level in the Central Government.
- (b) The Chairperson and Vice-Chairperson of the Commission shall also declare their professional and commercial engagement or involvement on their first appointment and at the time of demitting office in Form A of the Schedule annexed with these rules.
- (6) Leave and other entitlements of the Chairperson and Vice-Chairperson of the Commission shall be as per the prevalent Government of India rules or guidelines applicable to Central Government employees.
- (7) The Central Government shall be the authority competent to grant leave to the Chairperson of the Commission. The Chairperson shall be the authority competent to grant leave to the Vice-Chairperson of the Commission.

7. Travelling and other allowances of the part-time members

- (1) The part-time member of the Commission shall be paid travelling allowances and daily allowances in accordance with the rules as applicable from time to time for the Group 'A' officers of Junior Administrative Grade in Central Government; and
- (2) Every Member of the Commission shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

8. Transaction of business a meeting of the Commission.— (1) Time and place of the meetings of the Commission:

- (a) The time and place of the meetings of the Commission shall be decided by the Chairperson.
- (b) Chairperson may also call a special meeting of the Commission at any time after giving three days' notice to deal with any urgent matter requiring the attention of the Commission.

Provided that at a special meeting, the subject or subjects for the consideration of which the meeting has been called shall only be discussed.

(2) Notice of meetings and agenda paper:—

- (a) Notice of every meeting other than a special meeting, shall be dispatched by the Secretary to each member of the Commission not less than fifteen days before the date of the meeting.
- (b) The Secretary shall issue with the notice of the meeting a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved of which notice in writing has previously reached him and the names of the movers.
- (c) A member who wishes to move any motion not included in the preliminary agenda paper or an amendment to any motion so included shall give notice to the Secretary not less than five clear days before the date fixed for the meeting.
- (d) The Secretary shall, not less than ten clear days before the date fixed for the meeting, or in the case of a special meeting, with the notice of the meeting, issue a complete agenda paper showing the business to be brought before the meeting.
- (e) A member who wishes to move an amendment to any motion included in the agenda paper, but not included in the preliminary agenda paper shall give notice thereof to the Secretary not less than three clear days before the date fixed for the meeting.
- (f) The Secretary shall cause a list of all amendments of which notice has been given under sub-rule (e) to be made available for the use of every member:

Provided that the Chairman may, if the Commission agrees, for reasons to be recorded in writing, allow a motion to be moved at a meeting notwithstanding the fact that notice thereof was received late to admit of compliance with this rule.

(3) Admissibility of motion: —

- I. The Chairperson shall disallow any motion —
 - (a) if the matter to which it relates, is not within the scope of the Commission's functions
 - (b) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Commission at any time during the six months immediately preceding the date of the meeting at which it is designed to be moved:

Provided that such a motion may be admitted at a special meeting of the Commission convened for the purpose on the requisition of not less than two – thirds of the members of the Commission:

Provided further that nothing in these rules shall operate to prohibit discussion of any matter referred to the Commission by the Central Government in the exercise of any of its functions under the Act

- (c) unless it is clearly and precisely expressed and raises substantially one definite issue;
- (d) if it contains arguments, inferences, ironical expressions, imputations or defamatory statements:

Provided that if a motion can be rendered admissible by amendment, the President may, in lieu of disallowing the motion, admit it in the amended form.

II. When the Chairperson shall disallow any motion, the Secretary shall inform the concerned member stating the reasons for rejection thereof.

- (4) **Adjournment for want of quorum:**— The quorum of the meeting shall be one-half of the total members of the members of the Commission including the Chairperson or Vice- Chairperson. If, at any time appointed for a meeting or during the course of any meeting, a quorum is not present, the meeting shall be adjourned, and if a quorum is not present, on the expiration of thirty minutes from such adjournment, the meeting shall stand adjourned to such future date and time as the Chairperson of the Commission may appoint.

Quorum for special meeting shall be one-third of the total members of the Commission, including the Chairperson or Vice- Chairperson.

(5) **Conduct of business:**

- (a) Every matter raised by a member shall be determined on a motion moved by the member duly seconded and put to the Commission by the Chairperson.
- (b) When a motion has been moved and seconded and put to the Commission by the Chairperson, it may be discussed as a question to be resolved either in the affirmative or in the negative or any member may, subject to sub-rule (8) of rule 8 on scope of amendments, move an amendment to the motion:

Provided that the Chairperson shall not allow an amendment to be moved which, if it had been a substantive motion, would have been inadmissible considering is beyond the scope of functions of the Commission.

- (c) Any motion or amendment standing in the name of a member who is absent from the meeting may be brought forward by another member with the permission of the Chairperson.

- (6) **Amendment to Motions:**— When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the Chairperson shall state or read to the Commission the terms of the original motion and of the amendment or amendments proposed serially.

- (7) **Identical Motions:**— When motions identical in purport stand in the name of two or more members, the Chairperson shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

(8) **Scope of Amendments:**—

- (a) An Amendment shall be relevant to, and within the scope of, the motion to which it is proposed.
- (b) An amendment may not be moved that negates the original motion.
- (c) The Chairperson may refuse to put to the Commission an amendment which in his opinion is not relevant to the motion.

(9) **Form of Amendments:**— A motion may be amended by –

- (a) The omission, insertion or addition of words, or
- (b) The substitution of words for any of the original words.

(10) Debate:—

- (I) When a motion or amendment is under debate, no proposal with reference thereto shall be made other than—

- (a) an amendment of the motion or of the amendment as the case may be, as proposed in sub-rule (6) of rule 8.
- (b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die;
- (c) a motion for the closure, namely a motion that the question be now put;
- (d) a motion that the Commission instead of proceeding to deal with the motion do pass to the next item on the programme of business:

Provided that no motion of the nature shall be moved or seconded by a member who has already spoken to the question then before the meeting:

Provided further that a motion referred for closure or passage to next item shall be moved without any speech.

- (II) It shall be the discretion of the Chairperson to accept or refuse a proposal for the adjournment of the debate on the motion or amendment.

- (III) Upon accepting the closure motion, the Chairperson shall put the substantive motion or amendment to vote after allowing the mover the right to reply.

- (11) Withdrawal of motion:—** A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Commission which shall not be deemed to be granted, if any member dissents from the granting of leave.

- (12) Discussions by Members:—** When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the Chairperson may direct:

Provided that the seconder of a motion or of an amendment may, with the permission of the Chairperson, confine himself to seconding the motion or amendment, as the case may be, and speak thereon at any subsequent stage of the debate.

- (13) Right of reply of the Mover:—** The mover of a motion and, if permitted by the Chairperson, the mover of any amendment, shall be entitled to a right of final reply and no other member shall speak more than once to any debate except with the permission of the Chairperson, for the purpose of making a personal explanation or of putting a question to the member then addressing the Commission:

Provided that a member may at any stage of the debate may raise a point of order substantially incorporating therein a point of law, or statutory procedure, but shall not be allowed to make any speech:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

- (14) Voting on Motion:—** When any motion involving several points has been discussed, it shall be in the discretion of the Chairperson to divide the motion and put each or any point separately to vote as he may think fit.

- (15) Voting on amendment to Motion:—**

- (a) An amendment to a motion shall be put to vote.
- (b) If there are more amendments than one to a motion the Chairperson shall decide the order in which they shall be taken up.
- (c) Voting shall ordinarily be by show of hands, but it may be by ballots in case a demand to that effect is made by not less than three members:
- (d) The result of the votes shall be announced by the Chairperson.
- (e) In the event of equality of votes, the Chairperson or in his absence, the Vice chairperson shall have a second or casting vote.

- (16) Adjournment of meetings:—**

- (a) The Chairperson may if he deems necessary at any time, adjourn any meeting to any future date or to any hour of the same day stating the reasons thereof.

- (b) Whenever a meeting is adjourned to a future date, the Secretary shall send notice of the adjourned meeting to all the members.
- (c) When a meeting has been adjourned to a future date and the Chairperson changes it to any other date for compelling reasons, the Secretary shall communicate the said change to each member.
- (d) At a meeting adjourned to a future date any motion standing over from the previous day shall, unless the Chairperson otherwise directs, takes precedence over other matters on the agenda.
- (e) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Chairperson or Vice chairperson may suggest a change in the order of business on the agenda and if the Commission agrees such a change shall take place.
- (f) No matter which had not been on the agenda of the original meeting shall be discussed at an adjourned meeting.
- (g) The same quorum shall be necessary for an adjourned meeting as for the ordinary meeting.

(17) Points of Order:—

- (a) The Chairperson shall decide all points of order or disputes which may arise in any meeting.
- (b) If any question arises with reference to procedure in respect of a matter for which these rules have no provision the Chairperson shall decide the same.

(18) Authorised persons to attend Commission meetings: - In the meetings of the Commission, no person other than the members, officers and employees of the Commission, or a person eligible as per sub-section (2) of Section 10 of the Act, shall be present except with the prior permission or special invitation of the Chairperson.

(19) Sitting Fee: The part-time members of the Commission shall be entitled to a sitting fee of five thousand rupees for each day of the sitting of the Commission.

9. Salary, allowance and other conditions of service of the Secretary and other officers of the Commission.—

- (1) The salary payable to the Secretary to the Commission shall be equivalent to the salary of Joint Secretary to the Government of India in Level 14 in the pay matrix (Rs. 182200-224100/-).
- (2) The Secretary to the Commission shall possess:
 - (a) a post-graduate degree in any discipline, preferably related to medical or allied and healthcare education or healthcare policy or health administration or public health from any University;
 - (b) outstanding ability and proven administrative capacity and integrity;
 - (c) administrative experience of not less than ten years. Experience in the Central Government or a State Government or any statutory body will be preferred.
- (3) Term of office of Secretary to Commission— The Secretary to the Commission shall hold office for a term of four years. The Secretary shall, however, cease to hold office on attaining the age of seventy years, if attained before the completion of his term.
- (4) If the Secretary of the Commission is in service of the Central Government or a State Government, his salary and allowances shall be regulated in accordance with the rules applicable to him or sub-rule (i), whichever is higher and his tenure in the Commission shall be treated as 'transfer on deputation', in terms of prevalent rules of the Government of India.
- (5) Role of the Secretary: -
 - (a) The Secretary shall exercise in respect of the office of the Commission (secretariat), such powers as are exercised by the "Head of Office" under the Government of India and perform such duties as have been given in the Act and rules.
 - (b) The Secretary shall also be responsible for the safety of the property of the Commission and the control and management of the secretariat, accounts and correspondence, and shall see that the staff attend punctually, and generally discharge all such duties as may be required of them

- by the Commission, the Advisory Council and the Professional Councils for the purposes of the Act.
- (c) The Secretary shall attend and take notes of the proceedings of meetings of the Commission, any sub-committee thereof, Advisory Council and the Professional Councils and other committees as may be appointed by the Commission or any of its bodies.
 - (d) The Secretary shall not less than 90 days before the expiration of the term of any existing appointment, draw the attention of the Chairperson, to the approaching vacancy, and the latter shall forthwith report it to the Commission in order that a new appointment may be made to take effect from the day on which the existing appointment will expire.
 - (e) The Secretary shall be the certifying officer for traveling, halting and other allowances to members, inspectors and other employees of the Commission and the Chairperson of the Commission for those of the Secretary.
 - (f) Leave and other entitlements of the Secretary and other officers of the Commission shall be as per the prevalent Government of India rules/guidelines applicable to Central Government employees.
 - (g) The Chairperson shall be the authority competent to grant leave to the Secretary of the Commission. The Secretary shall be the authority competent to grant leave to all the other employees of the Commission.
- (6) Declaration of assets, professional and commercial engagement or involvement by Secretary—
 - (a) The Secretary of the Commission shall file return of assets and liabilities in the manner as prescribed by the Central Government for employees of equivalent level in the Central Government.
 - (b) The Secretary of the Commission shall also declare his professional and commercial engagement or involvement on his first appointment and at the time of demitting office in Form A of the said Schedule.
 - (7) Duties and tenure of officers and employees (other than Secretary):-
 - (a) Officers and the employees of the Commission shall retire from service on super-annuation on the afternoon of the last day of the month in which an officer or employee attains the age of sixty years. Extension of service shall not be given in any circumstances except with the approval of the Central Government.
 - (b) The Officers of the Commission shall discharge such duties as may be assigned to them by the Secretary, Chairperson or Commission from time to time under the overall supervision of the Secretary.
- 10. Qualification and experience of members of the Professional Council:—** Qualification and experience: The President or member of a Professional Council shall be a person possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than fifteen years in the field of allied and healthcare sciences, out of which at least seven years shall be as a leader in the allied and healthcare professions and having an outstanding ability, proven administrative capacity and integrity.
- 11. Form of application and manner of entering the name of person in the Central Register.—**
- (1) The Commission shall maintain the Central Allied and Healthcare Professionals Register, that shall be online and live.
 - (2) On receipt of the report of registration of a person in a State Register or of an online application as per Form B, the name of the professional shall be registered in the Central Register on approval by the Secretary.
- 12. Form, manner and fee of application for certificate of registration.—**
- (1) The applicant shall fill the application as per Form B for the issuance of the certificate of registration
 - (2) The registration fee is Rs.2000/- payable in favour of the Secretary, National Commission for Allied and Healthcare Professions, along with the application.
- 13. Form of certificate of registration.—** A Certificate in Form C annexed to these rules shall be issued by the Secretary under his seal, to all persons who are directly registered with the Commission in respect of States or Union Territories where there is no State Allied & Healthcare Council.

14. Fees and form for duplicate certificate.—

- (1) A Certificate in Form C annexed to these rules shall be issued by the Secretary under his seal, to all persons in respect of States or Union Territories where there is no State Allied & Healthcare Council.
- (2) In case of issuance of duplicate certificate a fee of Rs 2000/- will be chargeable in favour of the Secretary, National Commission for Allied and Healthcare Professions along with the application.

15. Form, manner, and fees of application for additional entry in the Register.—

- (1) Application for registration of additional qualification in the Central Allied and Healthcare Professionals Register may be received directly by the Commission in Form D annexed to these rules in respect of States or Union Territories where there is no State Allied and Healthcare Council.
- (2) A fee as fixed from time to time by the National Commission may be charged for registration of additional qualification.
- (3) Copy of additional qualification (duly attested Degree or Diploma) for which additional entry is sought shall be sent along with the application.

16. Qualifications, experiences, and manner of appointment of members of Interim Commission:—

- (1) Qualification and experience: a person possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than fifteen years in the field of allied and healthcare sciences, out of which at least seven years shall be as a leader in the allied and healthcare professions and having an outstanding ability, proven administrative capacity and integrity.
2. Members shall be selected by the following Committee:

(a) Secretary, Ministry of Health & Family Welfare	Chairperson
(b) Director General of Health Services	Member
(c) Additional Secretary, Ministry of Health & Family Welfare	Member
(d) Joint Secretary, Ministry of Education	Member
(e) Up to four expert members as approved by the Chairperson of the Committee	Member
(f) Joint Secretary, Ministry of Health & Family Welfare	Member-Secretary
3. The Committee shall determine their own methodology for selection in a transparent and merit-based manner.
4. The **Secretary to the Interim Commission** shall be appointed by the Central Government and shall be an officer of the rank not below Deputy Secretary level or equivalent and shall possess proven technical and administrative experience in either healthcare policy, administration, public health, medical or allied and healthcare sciences or any related subject. The tenure of Secretary of the Interim Commission will be co-terminus with the tenure of the Interim Commission.
5. The Interim Commission shall discharge the functions assigned to the Commission under the Act and shall follow its own procedures in discharging its duties.

17. Form, manner, particulars, and fees for scheme for establishment of new allied and healthcare institution, new courses of study etc.—

- (1) All applications under this Scheme shall be submitted to the Secretary of Commission
- (2) Eligibility Criteria: The following organisations shall be eligible to apply for permission to set up an allied and healthcare professions college, namely:-
 - (a) Central Government, State Government or Union territory;
 - (b) A University;
 - (c) An autonomous body promoted by Central and State Government by or under a Statue for the purpose of medical education;
 - (d) A society registered under the Societies Registration Act, 1860 (21 of 1860) or corresponding Acts in States;

- (e) Companies registered under Company Act may also be allowed to open allied & healthcare colleges. Permission shall be withdrawn if the colleges resort to commercialization.
- (3) Qualifying criteria: The eligible persons shall qualify to apply for permission to establish an institution if the following conditions are fulfilled:—
 - (a) The institution is within the vicinity of a functional medical college or University and has an attached hospital for the purposes of practical exposure and internships to the students
 - (b) The institution must have University affiliation
 - (c) The institution fulfils the basic standards set by the provisions of this Act to be specified by the Commission through regulations.
 - (d) The institution has to obtain an essentiality certificate from the concerned State Government indicating the need for the specific course/ courses, in the manner as specified by the Commission through regulations.
- (4) Scheme form and procedures:
 - I. Part I- shall contain the following particulars about the person namely-
 - (a) Status of the applicant in terms of the eligibility criteria
 - (b) Professional courses opted in the institution/ college
 - (c) Basic infrastructural facilities, managerial and financial capabilities of the applicant (Balance sheets for the last three years in case the person is not a State Government or a Union Territory)
 - II. Part II- shall contain the following.--
 - (a) Name and address of the institution or college
 - (b) Educational programme -
 - (i) Proposed courses
 - (ii) Proposed annual intake of students
 - (iii) Admission criteria and method of admission
 - (iv) Department wise and year wise curriculum of studies
 - (c) Reservation of seats
 - (d) Market survey and environmental analysis –
 - (i) State education policy with respect to allied & healthcare profession
 - (ii) Needs and availability of trained workforce – regarding the professional courses opted for
 - (iii) Gap analysis and how the gap will be bridged
 - (iv) Catchment area in terms of patients for the proposed college
 - (v) Mapping of number of hospitals and health facilities in the catchment area (public and private)
 - (e) Site characteristics and availability of external linkages – topography, plot size, permissible floor space index etc.
 - (f) Faculty and staff – Department-wise and year-wise requirement –
 - (i) Teaching staff (full time)
 - (ii) Technical staff
 - (iii) Administrative staff
 - (iv) Ancillary staff
 - (v) Salary structure
 - (vi) Recruitment Procedure

- (g) Planning and layout – master plan, layouts and elevation and floor wise area calculation
- (h) Phasing and scheduling- Month-wise schedule of activities for-
 - (i) Commencement and completion of building design
 - (ii) Local body approvals
 - (iii) Civil construction
 - (iv) Engineering services and equipment
 - (v) Recruitment of staff
- (i) Project Cost
 - (i) Total projected cost
 - (ii) Means of financing the project
 - (iii) Revenue assumptions
 - (iv) Expenditure assumptions

III. Part III

- (a) Name and address of the existing hospital
 - (b) Details of the hospital
- (5) Application Fee: The application fee shall be determined by the Commission or the Interim Commission

18. Manner of sums of money received by the Commission.— For the purpose of enabling the Commission to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Commission in each financial year such sums of money and in such manner as it may think fit.

19. Manner of application of fund for expenses incurred in discharge of the functions of Commission.—

- (1) Financial statements. - The Commission shall maintain its accounts and prepare annual financial statements in accordance with the instructions and accounting principles as issued by the Comptroller and Auditor-General of India from time to time in this regard.
- (2) Incurring of expenditure by Commission. - Every officer of the Commission incurring or authorising expenditure from the National Allied and Healthcare Fund shall be guided by the standards of financial propriety and the General Financial Rules, 2017.
- (3) Annual statement of accounts. –
 - (a) At the end of a period of twelve months ending with the 31st March of every year, the Commission shall prepare the following annual financial statements, along with necessary schedules, notes on accounts and significant accounting policies in accordance with the notes and instructions for compilation of financial statements prescribed by the Central Government in the Ministry of Finance, Controller-General of Accounts,
 - (a) balance sheet;
 - (b) income and expenditure account;
 - (c) receipt and payment account.
 - (b) The annual financial statements shall be approved and adopted by the Commission and, for the purposes of authentication, be signed by the Chairperson and Secretary of the Commission.
 - (c) The approved annual financial statements of the Commission shall be forwarded by the Commission to the Comptroller and Auditor-General of India or any other person appointed by him on his behalf within three months after the expiry of the year for the purposes of audit.
 - (d) The annual accounts of the Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in his behalf, together with the audit report thereon after adoption by the Commission, shall be forwarded to the Central Government for laying before both the Houses of Parliament.

20. Form and time period for preparing annual report of the Commission

- (1) The Commission shall prepare once in every year an annual report in respect of the matters specified in Form E of the Schedule annexed to the rules.
- (2) The Commission shall submit annual report to the Central Government by 30th September of every year in a Portable Document Format (PDF) by electronic mode and forward two hard copies of the same by speed post or registered post to the Joint Secretary to the Government of India in-charge of the affairs of the National Commission for Allied and Healthcare Professions, the Ministry of Health and Family Welfare, Government of India.

SCHEDULE**Form A**

[See Rule 6(5) and 9 (6)]

STATEMENT OF PROFESSIONAL AND COMMERCIAL ENGAGEMENTS OR INVOLVEMENT ON FIRST APPOINTMENT AND AT THE TIME OF DEMITTING OFFICE

Sl. No	Relation	Name	Professional position held in last three years from the date of declarations, if any	Commercial engagements /involvement held in last three years from the date of declarations, if any
1	Self			
2	Spouse			
3	Dependent-1			
4	Dependent-2			
5*	Dependent-3			

* Add more rows, if necessary.

Date:

Signature of Applicant

Form B

[See Rule 11 and 12]

APPLICATION FORM FOR REGISTRATION IN THE CENTRAL ALLIED AND HEALTHCARE PROFESSIONAL'S REGISTER AND FOR ISSUANCE OF CERTIFICATE OF REGISTRATION

1. Name of the applicant (In Block Letters)
2. Gender: Male/Female/Others
3. Age:
4. Parent's Name (Full)

5. Are you a citizen of India

- by birth or
- by domicile

If so, state the date of becoming Indian citizen.

6. Date and place of Birth

7. Present Occupation and Address (In block letters) with pin code

8. Permanent Address (In block letters) with pin code

9. Phone number

10. Details of payment of fee towards registration

11. Details of educational qualifications prior to/ other than allied and healthcare qualifications

Educational Qualification	Name of School/ College	Board / University	Year of Passing
Matriculation or equivalent			
Senior Secondary or equivalent			

12. Details of Allied and Healthcare qualification for which registration is applied

Name of Qualification(s)	Name of Institute/ College	University	Duration of the Course (with internship)	Name & address of hospital/ institute of internship	Date of admission and passing

13. Any other remarks/information that applicant wants to submit.

Signature of Applicant

Dated:

Note:

- The application form should be properly and neatly filled in.
- Following documents to be enclosed with application:
 - Degree or Diploma in original or Provisional Certificate from the University/or Dean of the college that the applicant is eligible for the award of the degree along with attested copies thereof may be forwarded along with the Registered Certificate.
 - Duly attested copy of certificate of practical training. (Compulsory rotating internship) issued by Dean of the college.
 - Provisional registration Certificate in original.
 - Two recent passport size photographs front view.
 - Signature on two self-adhesive slips provided with application.
- The total registration fee is Rs.2000/- to be paid along with the application as fee for registration.

Form C

[See Rule 13 and 14]

Certificate under section 17 of the National Commission for Allied and Healthcare Professions Act, 2021 Registration certificate.

Certificate No. NCAHP/

Name	
(M) / (F) / Other	
Parent's Name	
Address	
Date and place of registration	
Qualification	
Date of completing qualification	

It is hereby certified that this is a true copy of the above specified Name in the Central Allied and Healthcare Professional's Register

(SEAL)

Secretary of NCAHP
New Delhi

Date the

Note:

1. Every Registered Practitioner should be careful to send to the Secretary's immediate notice of any change in his address and also answer all enquiries that may be sent to him by the Secretary in regard thereto in order that his correct address may be duly inserted in the Register of Registered Practitioners.
2. No charge is made for alteration of address.
3. (M) & (F) indicates (Male) & (Female) respectively.
4. In case of issuance of Duplicate certificate a fee of Rs 2000 is chargeable. The mode of payment will be as specified by the Commission.

FORM D

[See Rule 15]

Application Form

Registration of Additional Qualification/s u/s 18(1) of the National Commission for Allied and Healthcare Professions Act, 2021

1. Name of the Professional:
2. Primary Qualification Registration Number:
3. Primary registered qualification with year of obtaining:
4. Address and Phone No. as given in the Register:
5. State Council with which registered earlier (if any):
6. Present Address in Block Capitals with Pin code & Phone No.
7. Permanent Address in Block Capitals with Pin Code & Phone No.
8. Details of Additional Qualification applied for:

Name of Qualification(s)	Name of Institute/ College	University	Duration of the Course (with internship)	Name & address of hospital/ institute of internship	Date of admission and passing

Date: -----

Signature of the Candidate

DECLARATION

I solemnly affirm and declare that the above entries made by me are correct.

Date:

Signature of the Candidate

(Name _____)

Instruction to Candidates for filling the application for Registration of additional qualification

1. The application form should be properly and neatly filled in.
2. A non-refundable crossed Bank Draft @Rs.100/- (Rupees One Hundred only) for each qualification, in favour of Secretary, National Commission for Allied and Healthcare Professions, New Delhi, payable at New Delhi, must be enclosed along with the application as fee or can be paid online.
3. The candidate is required to send attested copies by Magistrate / Gazetted Officer, of the degrees/diplomas or provisional certificate of Postgraduate qualification issued by the Registrar of the University concerned.
4. The application is to be forwarded direct, to this office and be addressed to the Secretary, National Commission for Allied and Healthcare Professions.

The certificate will be issued only to those who possess a recognised basic allied and healthcare qualification and subsequently have obtained recognised postgraduate qualification (s) as per provisions of the Act.

Form E

[See Rule 20]

Annual Report of National Commission for Allied and Healthcare Professions

Year.....

1. Introduction
2. Constitution of The Commission
3. Commission
4. Objectives of Commission
5. Functions of The Commission
6. Advisory Council
7. Recommendations of The Advisory Council
8. Professional Councils
9. Activities of Various Professional Councils
10. Standardization of curriculum and scope of practice with respect to each profession under the various professional categories
11. Task Shifting
12. Registration of Allied and Healthcare Professionals
13. Appeals
14. Accreditation and Rating of Institutions
15. Growth of Allied and Healthcare Education System (including State distribution)
 - (A) Universities / Institutions / Colleges
 - (B) Faculty Strength
 - (C) Student's Enrolment
 - (D) Graduated Students
 - (E) Employment statistics (Addition of workforce in the current year, percentage of students without employment etc.)
 - (F) Research Development in Universities / Institutions
 - (G) Condensed Statistics on Growth of Allied and Healthcare Education
16. Guidelines for Determination of Fees for Seats in Private Institutions and Deemed Universities
17. Common Entrance Examination
18. Exit-cum-Licensing Examination

19. National Teachers Eligibility Test
20. Assessment of Health Care Including Human Resources for Health and Healthcare Infrastructure and Road Map for Its Development.
21. Website
22. Legal Matters
23. Vigilance
24. Right to Information
25. Accounts and Establishment, including annual audit report
26. Publications
27. Miscellaneous

Date:

[F. No. Z-28020/20/2020-AHS]

NIPUN VINAYAK, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-16

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಶಾಇ 08 ಕೇನಿಪ್ರ 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 01.06.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the National Commission for Indian System of
Medicine (Submission of List of the Medical Practitioners) Rules, 2021 ರ NOTIFICATION
G.S.R.357(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF AYURVEDA, YOGA AND NATUROPATHY,
UNANI, SIDDHA AND HOMOEOPATHY**

NOTIFICATION

New Delhi, the 1st June, 2021

G.S.R. 357(E).—In exercise of the powers conferred by clause (k) of sub-section (2) of section 54 of the National Commission for Indian System of Medicine Act, 2020 (14 of 2020), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the National Commission for Indian System of Medicine (Submission of List of the Medical Practitioners) Rules, 2021.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the National Commission for Indian System of Medicine Act, 2020 (14 of 2020);

(b) “Commission” means the National Commission for Indian System of Medicine constituted under section 3 of the Act;

(c) “section” means a section of the Act.

(2) Words and expressions used in these rules and not defined herein but defined in the Act, shall have the respective meanings assigned to them in the Act.

3. Manner of submitting list of medical Practitioners under first proviso to sub-section (1) of section 34.—(1) The Commission shall submit the list of medical practitioners to the Central Government once in every six months in Form A and Form B of the Schedule annexed to these rules.

(2) The Commission shall submit the Forms referred to in sub-rule (1) in a portable document format (PDF) by electronic mode and forward two hard copies of the same by speed post to the Joint Secretary to the Government of India in-charge of the affairs of the National Commission for Indian System of Medicine in the Ministry of AYUSH.

SCHEDULE**FORM A**

[See rule 3]

List of medical practitioners possessing recognised medical qualifications enrolled in State Register or National Register.

S.No.	Name of professional (IN BLOCK LETTERS) with recent photograph.	Father's name (IN BLOCK LETTERS).	Present correspondence address.	Permanent address.	Aadhaar number.	Phone, Fax and mobile numbers with e-mail address.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date of birth and Nationality.	Name of medical degree or diploma obtained and University with the month and year of passing qualification.	Registration particulars: (i) Registration number: (ii) Date of registration: (iii) Name(s) of the register (National/State) (iv) Whether the registration is renewable or permanent:	Name of hospital or institute with complete address for purposes of teaching or Research or practice, of medicine.	Name of person in institution or hospital, who will be responsible for legal issues regarding patient care provided by doctor concerned.
(8)	(9)	(10)	(11)	(12)

FORM B

[See rule 3]

List of the medical practitioners possessing medical qualifications from outside India and permitted to practice in India for a limited period under second proviso to sub-section (1) of section 34.

S.No.	Name of professional (IN BLOCK LETTERS) with recent photograph.	Father's name (IN BLOCK LETTERS).	Present correspondence address.	Permanent address.	Passport number.	Phone, Fax and mobile numbers with e-mail address.	Visa details.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Date of birth and Nationality.	Name of medical degree or diploma obtained and University with the month and year of passing qualification.	Whether previously visited India for medical practice. If so, date, period and place of previous visits.	Are you registered in any other foreign country? If so, give name of body or organisation or institute with which registered and number and date of registration.	Are you registered as a medical practitioner in your own country? If so, provide name of body or organisation or institute with which registered with registration or license number and date.
(9)	(10)	(11)	(12)	(13)

Whether registration or license is renewable or permanent.	Name of hospital or institute with complete address for the purposes of teaching or research or practice of medicine.	Period of training or research or practice of medicine.	Name of person in institution or hospital in India, who will be responsible for legal issues regarding patient care provided by doctor concerned.	Whether employment in India was temporary or permanent to be specified.
(14)	(15)	(16)	(17)	(18)

[F.No. Y.18011/5/2020-EP-III]

P.N. RANJIT KUMAR, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-17

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 09 ಕೇನಿಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 18.06.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Companies (Creation and
Maintenance of databank of Independent Directors) Amendment Rules, 2021 ರ
NOTIFICATION G.S.R.418(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ
ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF CORPORATE AFFAIRS**NOTIFICATION**

New Delhi, the 18th June, 2021

G.S.R. 418(E).—In exercise of the powers conferred by section 150 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, to amend the Companies (Creation and Maintenance of databank of Independent Directors) Rules, 2019, namely:-

1. Short Title and Commencement.— (1) These rules may be called the Companies (Creation and Maintenance of databank of Independent Directors) Amendment Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Creation and Maintenance of databank of Independent Directors) Rules, 2019, in rule 3,-

(a) in sub-rule (7), in clause (a), after the words “for inclusion”, the words “or renewal” shall be inserted;

(b) after sub-rule (7), before explanation, the following sub-rule shall be inserted, namely:-

“(8) In case of delay on the part of an individual in applying to the institute under sub-rule (7) for inclusion of his name in the data bank or in case of delay in filing an application for renewal thereof, the institute shall allow such inclusion or renewal, as the case may be, under rule 6 of the Companies (Appointment and Qualification of Directors) Rules, 2014 after charging a further fees of one thousand rupees on account of such delay.”.

[F. No. 8/4/2018-CL-I]

K.V.R. MURTY, Jt. Secy.

Note : The principal rules were published in the Gazette of India, *vide* number G.S.R. 805 (E), dated the 22nd October, 2019.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-18

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 10 ಕೇನಿಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 18.06.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Minerals (Evidence of Mineral
Contents) Amendment Rules, 2021ರ NOTIFICATION G.S.R.421(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 18th June, 2021

G.S.R. 421(E).— In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules to amend the Minerals (Evidence of Mineral Contents) Rules, 2015, namely:—

1. (1) These rules may be called the Minerals (Evidence of Mineral Contents) Amendment Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Minerals (Evidence of Mineral Contents) Rules, 2015 (hereinafter referred to as the said rules), for the word “Schedule”, wherever it occurs [other than in clause (f) of rule 3], the word and figure “Schedule-I” shall be substituted.

3. In the said rules, in rule 3, —

(i) clause (b) shall be omitted;

(ii) in clause (d), the word and figure “rule 4,” shall be omitted.

4. In the said rules, rule 4 shall be omitted.

5. In the said rules, in rule 5,—

(i) in the marginal heading, after the words “Existence of mineral contents”, the words, brackets, letter and figures “for grant of mining lease under clause (a) of sub-section (2) of section 5 and” shall be inserted;

(ii) in the opening portion, after the words “ contents under”, the words, brackets, letter and figures “clause (a) of sub-section (2) of section 5 and” shall be inserted;

(iii) after clause (b), the following proviso shall be inserted, namely:—

“Provided that for the minerals specified in Schedule-II occurring in such type of deposits as specified therein, the existence of mineral contents for the purpose of auction shall be deemed to have been established under this rule, if, in respect of such area—

(a) at least Preliminary Exploration (G3) has been completed to establish Inferred Mineral Resource (333), which shall be considered akin to Indicated Mineral Resource (332), and

(b) a geological study report has been prepared conforming to Part IV of Schedule-I.”.

6. In the said rules, in rule 6—

(a) in the marginal heading after the word “surrendered,” the word “terminated,” shall be inserted;

(b) in clause (b), after the word “surrendered,” the word “terminated,” shall be inserted;

(c) the following proviso shall be inserted, namely:—

“Provided that detailed reassessment of resources shall not be required to be carried out in cases where the estimate of Mineral Resource required for auction can be assessed on the basis of the available report of exploration or geological study report or last approved mining plan for the said area, after adjusting for the mineral already produced from the mine.”.

7. In the said rules, in rule 7—

(a) in sub-rule (1), for clause (a), the following clause shall be substituted, namely:—

“(a) at least Reconnaissance Survey (G4) has been completed to estimate Reconnaissance Mineral Resource (334) or mineral potentiality of the block has been identified based on the available geoscience data but resources are yet to be established; and”;

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) On completion of prospecting operations under sub-section (10) of section 11 of the Act, Geological Study Report shall be prepared in accordance with the parameters specified in rule 5, which shall include at least a Pre-Feasibility Study Report to establish Probable Mineral Reserve (121 and 122) conforming to Part V of Schedule-I.”.

8. In the said rules, in Schedule-I—

(a) for Part I, the following Part shall be substituted, namely:—

“PART I

DEFINITIONS

1. The definitions and codes used in this Part are drawn mainly from the United Nations Framework Classification (UNFC) and Committee for Mineral Reserves International Reporting Standards (CRIRSCO) Template and have been suitably modified to suit the needs of the country.

(a) Definition of stages of exploration:

The exploration for any mineral deposit involves four stages namely, Reconnaissance Survey (G4), Preliminary Exploration (G3), General Exploration (G2) and Detailed Exploration (G1) and these stages of exploration lead to four resource categories, namely, Reconnaissance Mineral Resource, Inferred Mineral Resource, Indicated Mineral Resource and Measured Mineral Resource respectively reflecting the degree of geological assurance, which are explained as follows:

Sl. No.	Stages of Exploration	Definition with explanation
---------	-----------------------	-----------------------------

1	Reconnaissance Survey (exploration) (G4) Quantity with grade estimated mostly based on indirect evidences	Reconnaissance Survey (G4) identifies areas of enhanced mineral potential based primarily on results of regional geological studies, regional geological traverses and mapping, airborne geophysical survey, remote sensing or satellite data study; identifying the mineralised zones through spectral signatures; combination of geophysical surveys like ground gravity and magnetic, Resistivity surveys, Induced Potential (IP) surveys and other such advanced techniques; geochemical study and other indirect methods as well as geological inference and extrapolation; delineation of mineralised area boundaries and surface contouring by Lidar and Drone surveys and sampling data from existing pits, old workings, nala cuttings, dug wells etc., and also sampling data extrapolated from nearby mining lease areas or explored blocks having similar surface geological features may be used for assessment of resources, if possible. Limited ground truthing by means of few drill-holes, as may be required, may be carried out to substantiate the information so collected and assess the quantity and grade of resources, if any.
2	Preliminary Exploration (G3) Quantity with grade estimated with low level of confidence	(1) Preliminary Exploration involves the initial delineation of an identified mineral deposit area of previous stage by furthering the exploration to extend and identify both laterally and vertically down (third dimension) of the ore body. The methods utilised are outcrop identification, surface geological mapping, and indirect methods such as geophysical and geochemical studies or mapping on appropriate scale based on nature of mineralisation. Limited wide spaced pitting or trenching and drilling to ensure maximum core recovery depending on the geological formation with appropriate spacing to understand nature, style and control of mineralisation followed by systematic sampling to identify a deposit, which will be the target for further exploration. (2) Estimates of quantities are inferred, based on interpretation of geological, geophysical, geochemical and geo-technical investigation results. Certain degree of extrapolation beyond the normal sample spacing may be allowed with proper justification depending upon the style and mode of occurrence of a mineral deposit.
3	General Exploration (G2) Quantity with grade estimated with moderate level of confidence	General Exploration involves increasing the geological confidence level and understanding style and mode of occurrence of mineralisation. Methods used include surface geological mapping (if not done in the previous stage of exploration), pitting or trenching or drilling (appropriate spacing closer than the previous stage, according to nature of mineralisation), followed by sampling for evaluation of mineral quantity and quality (including beneficiation tests on laboratory scale if required). The objective is to establish the main geological features of a deposit, giving a reasonable indication of continuity along lateral and vertical (third dimension) extensions which provide an initial estimate of size, shape, structure of mineralised zone, quantity and grade of the mineral deposit.
4	Detailed Exploration (G1) Quantity with grade estimated with high level of confidence	Detailed Exploration involves the detailed three-dimensional delineation of a known mineral deposit achieved through sampling, such as from outcrops, pits, trenches, boreholes, shafts and tunnels etc. Sampling locations are closely spaced such that size, shape, structure, quantity, grade and other relevant characteristics of the deposit are established with a high degree of accuracy. Bench scale beneficiation tests involving bulk sampling may be required in certain cases to understand the recovery and any additional by products.

(b) Definition of stages of feasibility study:

Sl. No.	Category	Definition with explanation
1	Geological Study (F3)	A geological study involves reporting of all the exploration activities undertaken during each stage of exploration including the assessment of the mineral resources with quantity and grade. A preliminary economic evaluation of the deposit should be done based on the gathered field data and a comparison with the similar deposits already in operation. This is achieved by applying meaningful threshold values, cut off values for grade, thickness and depth of the mineralised zone.
2	Pre-Feasibility Study (F2)	Pre-Feasibility Study is the study to demonstrate the possible techno-economic and socio-environmental viability of a mineral deposit through application of various modifying factors wherein a preferred mining method has been ascertained including the mineral beneficiation method, if any. The study shall also include a preliminary financial analysis based on reasonable assumptions on the applicable modifying factors and the evaluation of any other relevant factors which are sufficient to convert all or part of the resources to reserves. The study should lead to part or whole of the Mineral Resource being converted to Mineral Reserve. A Pre-Feasibility Study has a lower confidence level than a Feasibility Study (wherein the cost estimates of the project will have $\pm 30\%$ degree of accuracy).
3	Feasibility Study (F1)	Feasibility Study is a detailed comprehensive techno-economic and socio-environmental evaluation of a mineral deposit through application of various modifying factors to establish the technical feasibility, economic and financial viability of a mineral deposit. At this stage the preferred mining method, beneficiation technology of the deposit has been adequately established with detailed assessments of the applicable modifying factors, relevant operational factors and detailed financial analysis to demonstrate that extraction is reasonably justified. It is expected that all Governmental clearances to start mining operations are already in place and where such clearances have not been obtained on the date of commencement of the Minerals (Evidence of Mineral Contents) Amendment Rules, 2021, the same shall be obtained in due course. The study may lead to part or whole of the Mineral Resource being converted to Mineral Reserve. The result of the study may reasonably serve as a basis for final decision by a proponent or financial institution to proceed with or finance the development of the project. (wherein the cost estimates of the project will have $\pm 20\%$ degree of accuracy)
4	Modifying Factors	Modifying Factors are those factors which are taken into consideration while conducting a Prefeasibility or feasibility study so as to convert mineral resources to mineral reserves. These include, but are not limited to, mining, processing, end use, cut-off grade, threshold value, metallurgical, infrastructure, economic, marketing, legal, environmental, social and Governmental factors.

(c) Definition of stages of economic viability:

Sl. No.	Category	Definition with explanation
1	Intrinsically Economic (E3)	Quantities, reported in tonnes or volume with grade or quality, estimated by means of a Geological Study identified to be of intrinsic economic interest, implying that the resources identified may or may not have any immediate economic value. The economic viability of the resources is further ascertained through a prefeasibility or feasibility study by application of appropriate modifying factors. The classes defined are Measured, Indicated, Inferred and Reconnaissance Mineral Resources.
2	Potentially Economic (E2)	Quantities with grade reported by means of a Prefeasibility or Feasibility Study in order of increasing accuracy, not justifying extraction under the prevailing technological, economic, environmental and other relevant conditions,

		realistically assumed at the time of the determination, but possibly so in the future. The classes defined as per the mineral resources for which are Pre-feasibility Mineral Resources and Feasibility Mineral Resources, including only indicated and measured resources.
3	Economic (E1)	Quantities with grade identified on the basis of a Prefeasibility or Feasibility Study in order of increasing accuracy that justify extraction under the prevailing techno-economic, socio-environmental and other relevant conditions, realistically assumed at the time of the determination. The classes defined are Proved and Probable Mineral Reserves.

(d) Definition of classes of mineral resources and reserve:

Sl. No	Classes	Definition with explanation
1	Mineral Resource	Mineral Resource is a concentration or occurrence of solid material in or on the earth's surface for which quantities with grade or quality have been estimated based on certain geological considerations and understanding which may or may not have any immediate or near-term economic value but are assessed for their future prospective value.
2	Reconnaissance Mineral Resource (334)	Reconnaissance mineral Resources (334) are estimates of quantity and grade based on indirect evidences including data and information generated through a reconnaissance survey, limited surface and subsurface sampling data from within the exploration block or data extrapolated from nearby mining or explored areas as may be required. The quantity and grade estimates have a lower level of confidence than that of inferred mineral resources.
3	Inferred Mineral Resource (333)	(1) Inferred mineral resource is the quantity with grade associated with a mineral deposit which can be estimated with a low level of confidence. (2) This is achieved through application of appropriate exploration techniques involving widely spaced drilling, pitting, trenching etc. followed by appropriate sampling and analysis to assume geological continuity of the mineralised body, both laterally and vertically. Certain level of extrapolation beyond the sampling points may be allowed with suitable justification depending upon the type of deposit and its mode of occurrence. (3) This resource cannot be converted to mineral reserve but may be upgraded to indicated mineral resource with additional information.
4	Indicated Mineral Resource (332)	(1) Indicated mineral resource is the quantity with grade associated with a mineral deposit which can be estimated with a moderate level of confidence. (2) This is achieved through application of appropriate exploration techniques involving close spaced drilling than the previous stage, pitting, trenching, etc., having spacing wider than that required for estimation of measured resources which ensures assumption of the geological continuity of the mineralised body, both laterally and vertically. This also includes the laboratory scale beneficiation studies to understand the recovery and by-products, if any. (3) Indicated Mineral Resource may be wholly or partly converted to Probable Mineral Reserve through a prefeasibility study.
5	Measured Mineral Resource (331)	(1) Measured mineral resource is the quantity with grade associated with a mineral deposit which can be estimated with a very high level of geological confidence. (2) This is achieved through application of appropriate exploration techniques involving sufficiently close spaced drilling, pitting, trenching etc. followed by appropriate sampling and analysis to ensure geological continuity of the mineralised body both laterally and vertically. Bench scale beneficiation studies to confirm the percentage recoverability with additional minerals, if any recovered. (3) Measured Mineral Resource may be wholly or partly converted to Proved or Probable Mineral Reserve through a feasibility or a prefeasibility study.

6	Mineral Reserve	Mineral Reserve is the economically mineable part of a Measured and/or Indicated Mineral Resource. It includes diluting materials and allowances for losses, which may occur when the material is mined or extracted. The quantity and grade of the mineral Reserves is ascertained through suitable prefeasibility or feasibility study by application of appropriate Modifying Factors.
7	Proved Mineral Reserve (111)	Proved mineral reserve is the economically mineable part of a Measured Mineral Resource. The quantity with grade is demonstrated to be economically mineable by means of a feasibility study. A Proved Mineral Reserve implies a high degree of confidence in the Modifying Factors.
8	Probable Mineral Reserve (121 and 122)	(1) Probable mineral reserve is the economically mineable part of an Indicated, and in some circumstances, a Measured Mineral Resource. The quantity with grade is demonstrated to be economically mineable by means of a prefeasibility study. (2) The confidence in the Modifying Factors applying to a Probable Mineral Reserve is lower than that applying to a Proved Mineral Reserve.
9	Feasibility Mineral Resource (211)	Feasibility Mineral Resource is that part of Measured Mineral Resource which is not economically mineable and has been defined by studies at feasibility level as appropriate that extraction is presently not justified. This material is identified as being possibly economically viable subject to changes in technological, economic, and environmental or other relevant conditions.
10	Pre-Feasibility Mineral Resource (221 and 222)	Pre-feasibility Mineral Resource that part of an Indicated mineral resource, and in some circumstances Measured Mineral Resource, which is not economically mineable and has been defined by studies at Pre-feasibility level as not appropriate for extraction at present. This material is identified as being possibly economically viable subject to changes in technological, economic, and environmental and/or other relevant conditions.”;

(b) in Part II, in the table,—

- (i) In serial number 2, for the words, figures, bracket and letters, “On 1:50,000 or smaller scale for reconnaissance (G4) stage”, the words, figures, bracket and letters, “On 1:50,000 or larger scale for reconnaissance (G4) stage” shall be substituted;
- (ii) in serial number 4, after the first paragraph, the following paragraph shall be inserted, namely:—

“For Reconnaissance Survey (G4) stage sampling data from existing pits, old workings, nala cuttings, dug wells, etc., and also sampling data extrapolated from nearby mining lease areas or explored blocks having similar surface geological features may be used for assessment of resources, if possible.”;

(c) in Part III, in the table, in serial number I,—

- (i) in column (3) relating to ‘G3 stage’, after the words ‘irregular habit’ occurring at the end, the following shall be inserted, namely:—

“Provided that for deposits specified in Schedule II, 3 bore holes drilled so as to form a polygon in blocks of less than 100 hectares and 5 bore holes in blocks of more than 100 hectares may be sufficient.

The lateral influence beyond the bore hole spacing may be limited to a maximum of 50 per cent. of the spacing depending on the results of surface geological mapping.”;

- (ii) in column (6) relating to ‘Remarks’, before the words “for shallow surfacial deposits”, the following paragraph shall be inserted, namely:—

“For G4 and G3 stages, sampling data from existing pits, old workings, nala cuttings, dug wells, etc., within the block and also sampling data extrapolated from nearby mining lease areas or explored blocks having similar surface geological features may also be used for assessment of resources if possible.”;

(d) for Part IV-A in the table, the following Part shall be substituted, namely:—

“PART IV- A

REPORTING OF MINERAL RESOURCES

Standard Template for a Geological study Report which shall also form a part of the pre-feasibility or feasibility report

1. A Geological Study Report for estimation and reporting of Mineral Resources integrating all data of exploration, sampling and testing generated through geophysical (aerial and ground), geochemical, geological surveys and technological study shall be undertaken for every stage of exploration, i.e., from G4 to G1 for assessing the resources.

2. Mineral resource assessment is normally a collective effort involving a multidisciplinary approach. It is expected that individuals/ subject matter experts involved in each part of the report preparation are given due credit for that part with proper acknowledgement in the report and also, they are willing to take due responsibility regarding the accuracy and authenticity of that part. However, the final responsibility of the report shall lie with the lead expert or a group of experts who, after proper due diligence of all the parts of the report have arrived at the final estimation of the resources and reserves and are convinced about the methodology and processes followed in arriving at the resource estimates. These experts taking the final responsibility for the report shall be referred to as the qualified persons and shall certify the report by signing off the report with their credentials.

Sl No.		Criteria with parameters of reporting
1.		Executive Summary
	i	The executive summary shall include details about the location of the mineral deposit, purpose of the mineral investigation and the stage of the exploration, brief geology, mineralization, exploration plan with spacing of the sample points, depth of exploration and whether the mineralisation extends beyond the depth of direct evidence. Outcome of the exploration studies including the quantity of resources identified with grade and quality under various classes.
	ii	The summary shall also include observation on the issues regarding the future plan or strategy for the deposit including likely mineability of the deposit based on present technological, environmental, social and market conditions.
2.		Details of the Qualified Person(s) / Exploration Agency (To be provided separately for all the qualified persons signing off the report)
	i	(a) Name: (b) Address: (c) Contact Mobile No: (d) E-Mail id: (e) Qualification: (f) Experience: (g) Affiliation to any organization/ company, if yes, specify the name of the organisation or company:
	ii	Details of qualification and experience of persons associated with various aspects of exploration assessment of resources and reserves
3.		Title and ownership
	i	Name of the explorer/ Mining or prospecting rights holder: Address: Telephone No: E-Mail i.d.:
	ii	Details of period of prospecting/mineral right if any: In case of a licence or lease: (a) Date of grant:

		(b) Date of execution: (c) Period of licence or lease: (d) Date of completion:
4.		Details of the Area Under Study
	(i)	Village, District, State
	(ii)	Survey of India Toposheet No., Differential Global Positioning System(DGPS) coordinates of all corner points of the area and borehole points in latitude and longitude (Degree Minutes Second) format WGS-84 Datum
	(iii)	Cadastral details of the area with land use, area under forest with type of forest. In case the cadastral details are not available an indicative data of breakup of government, private and forest land
	(iv)	Mineral(s) under investigation or granted under licence or lease
5.		Physiography and environment (Data to be furnished up to five km. radius from the peripheral boundary of project area in case of G3,G2 and G1 stage of exploration)
	(i)	Relief of the area with minimum and maximum elevation, drainage pattern, natural water courses, reservoirs, etc.
	(ii)	Roads, railway track, electric transmission line, telephone line, etc., passing through the area or nearby
	(iii)	Host population (local tribes), Human settlements within and nearby the area
	(iv)	Socio Demographic profile of the area and nearby
	(v)	Historical sites and archaeological monuments, places of worship, public utilities etc. within or near by
	(vi)	Forests, sanctuaries, national park and wild life sanctuaries; grazing land and gochar land within or near by the area with distance from periphery of the area explored.
	(vii)	Flora and Fauna within and nearby
	(viii)	Water bodies such as river, nala, stream, reservoir, etc., within or nearby
	(ix)	Climatic conditions: (a) Temperature (annual) min____max____ Avg____ (b) Rain fall (annual) min____max____ Avg____ (c) Humidity (annual) min____max____ Avg____
	(x)	Any other physiographic, social and environmental factor having potential to affect the viability of the project and assessment of resources and reserves.
6.		Infrastructure
		Local infrastructure with roads, railways, port facilities, electricity, water etc. with distance from the area. Details of nearby industries in the area which may use the mineral commodity likely to be mined
7.		Geology
	(i)	Brief regional geology of the area outlining the broad geological, stratigraphical and structural frame work.
	(ii)	Local geological setting detailing the common rock types, controls of mineralization, details of old workings if any, surface exposures, etc., of the area under study also of adjoining nearby areas, if the information is likely to have an impact on the area under study.
	(iii)	Structural details of the area such as dip, strike, folds, faults, etc.

	(iv)	A discussion on the type of the deposit based on the style of mineralisation and minerals under investigation. Suggested exploration plan with spacing of the sampling points and depth of exploration commensurate with the stage of exploration.
	(v)	The extent and variability of the mineralisation expressed as length (in meter) (along strike or otherwise), plan width, and depth below surface to the upper and lower limits of the Mineral Resource.
8.		Previous Exploration
	(i)	Name and address of prospecting agency or permit holder or licensee involved in the exploration of the area with year and period of exploration (if more than one agency is involved details to be given separately for each agency)
	(ii)	Brief details of the exploration carried out (to be given separately for each agency)
	(iii)	Reserves or resources estimated, if any, during the previous exploration campaign with quantity and grade under various categories
9.		Aerial or ground geophysical or geochemical data
		Details of aerial, ground geophysical and geochemical survey taken up and their results.
10.		Exploration undertaken during current investigation
	(i)	Details of pitting, trenching, drilling, etc., with spacing and distribution of the sample points along with geographical co-ordinates.
	(ii)	Data spacing for reporting of exploration results: Whether the data spacing and distribution is sufficient to establish the degree of geological and grade continuity appropriate for the mineral resource estimation procedure(s) and classifications applied.
11.		Location of data point
	(i)	Accuracy and quality of surveys used to locate drill holes (collar and down-hole surveys, azimuth, inclination, coordinates of bore holes etc), trenches, mine workings and other locations used in mineral resource estimation.
	(ii)	Quality and adequacy of topographic control.
12.		Sampling technique
		Nature and quality of sampling (eg. cut channels, random chips, etc.) and measures taken to ensure sample representation.
13.		Drilling technique and drill sampling employed
	(i)	Drill type (eg. core, reverse circulation, open-hole hammer, rotary air blast, auger, Bangka, sonic, etc.) and details (eg. core diameter, triple or standard tube).
	(ii)	Whether core and chip sample recoveries have been properly recorded and results assessed.
	(iii)	Measures taken to maximise sample recovery and ensure representative nature of the samples.
	(iv)	Whether a relationship exists between sample recovery and grade and whether sample bias could have occurred due to preferential loss or gain of fine or coarse material.
	(v)	Logging: -Whether core and chip samples have been logged to a level of detail to support appropriate Mineral Resource estimation, mining studies and metallurgical studies.
	(vi)	Discussion on the analysis results of handheld X-ray fluorescence (XRF), if used in the investigation.
14.		Sub-sampling techniques and sample preparation
	(i)	If core, whether cut or sawn and whether quarter, half or all core taken.
	(ii)	(a) If non-core, whether riffled, tube sampled, rotary split, etc., and whether sampled

		wet or dry. (b) For all sample types, the nature, quality and appropriateness of the sample preparation technique.
	(iii)	Quality control procedures adopted for all sub-sampling stages to maximize representation of samples.
	(iv)	Measures taken to ensure that the sampling is representative of the in-situ material collected.
	(v)	Whether sample sizes are appropriate to the grain size of the material being sampled.
15.		Quality of assay data and laboratory tests
	(i)	(a) The nature, quality and appropriateness of the assaying and laboratory procedures used and whether the technique is considered partial or total. (b) Nature of quality control procedures adopted (eg. standards, blanks, duplicates, external laboratory checks) and whether acceptable levels of accuracy (ie. lack of bias) and precision have been established. (c) Check analysis of at least 10% of samples should be analyzed from third party National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited or Department of Science and Technology (DST) or Bureau of Indian Standards (BIS) recognized laboratories or government laboratories for assessing the acceptable levels of accuracy. (d) Security and chain of control of samples should be clearly mentioned.
16.		Moisture
		Whether the tonnages are estimated on a dry basis or with natural moisture, and the method of determination of the moisture content.
17.		Bulk Density
		Whether assumed or determined. If assumed, the basis for the assumptions. If determined, the method used, whether wet or dry, the frequency of the measurements, the nature, size and representativeness of the samples.
18.		Beneficiation studies as may be required
		Details of beneficiation studies carried out at laboratory scale of bench scale involving bulk sampling tests to understand and suggest technological factors for optimum recovery of explored mineral commodity, any additional by-products or co-products that may be available in the ore which is recoverable should also be discussed. The detailed flow sheet with yield recovery factors and to be discussed
19.		Resource estimation techniques
	(i)	Discussion on sufficient data density to assure continuity of mineralisation and synthesis adequate data base for estimation procedure used.
	(ii)	Whether previous exploration data has been used and integrated with the current exploration data for assessment of the updated resources.
	(iii)	The nature and appropriateness of the estimation technique(s) applied and key assumptions, including treatment of extreme grade values, domaining, interpolation parameters, maximum distance of extrapolation from data points
	(iv)	The basis for the classification of the mineral resources into varying confidence classes.
	(v)	The assumptions made regarding recovery of by-products.
	(vi)	Detailed description of the method used and the assumptions made to estimate tonnages and grades (section, polygon, inverse distance, geostatistical, or other method).
	(vii)	Description of how the geological interpretation was used to control the resource estimates.

	(viii)	Discussion of basis for using or not using grade cutting or capping. If any computer software was used for estimation of resources then name of the software with the version and method chosen, description of programmes and parameters used.
	(ix)	Geostatistical methods are extremely varied and should be described in detail. The method chosen should be justified. The geostatistical parameters, including the variogram, and their compatibility with the geological interpretation should be discussed. Experience gained in applying geo-statistics to similar deposits should be taken into account.
	(x)	Data verification or validation procedures used, including peer review report.
20.		Reporting of resources
		Basis of reporting of resources into various classes. The criteria and methods used for the classification to be specified. The quantities with grades, for each class are to be specified. The average grade under each class is to be specified. Grade wise classification should also be reported under suitable cases. In case of metallic deposits such as gold, precious metals and base metals the metal content is to be specified and resources should be estimated at various cut off grades. Factor, if any, applied to take care of the confidence level from the actual estimates should also be specified. The inferred, indicated and measured resources should be highlighted in a table.
21.		Summary and recommendations
	(i)	(a) A discussion on the outcome of the exploration work detailing the nature of the deposit, the dimension of the deposit, general structural trend, depth of occurrence and depth up to which exploration has been done, possibility of continuity of mineralisation beyond the depth of exploration and future exploration requirements, if any. (b) The resources estimated under various classes with grade. (c) The possibility of economic extraction based on present technological, environmental, social and market conditions. (d) Hindrances, if any, anticipated in the economic extraction of the deposit.
	(ii)	Discussion on the suggested future plan or strategy for the deposit for further exploration and mining.
22.		Plates and maps
	(i)	Location plan of the area on 1:50000 showing various topographic and physiographic features nearby the project site.
	(ii)	Topographic Map/ Cadastral plan on 1:4000, if available.
	(iii)	A physiography or surface topography plan showing various topographical and physiographical features.
	(iv)	Surface geological plan on appropriate scale showing reliable geological map of appropriate scale with Differential Global Positioning System (DGPS) - global coordinates of the corner points showing major lithological units, structural and tectonic features; extent of surface mineralisation, structure, location of boreholes, pits, trenches, old workings, etc. If the area or part of it has been covered under exploration earlier then the same with the location details should be shown in a map in appropriate scale.
	(v)	Cross sections at suitable intervals showing vertical projections of litho-units and mineralisation.
	(vi)	Level plan or slice plan at suitable intervals showing horizontal projections of mineralisation, if necessary.
23.		Annexures or enclosures to the report
	(i)	The report shall include all relevant data including maps, sections, logs, analysis reports, photographs, etc., in support of the estimates made.
	(ii)	In case of a Prospecting Licences or Reconnaissance Permit, all relevant orders of grant, execution of licence, permissions to carry out exploration from forest department, Letter of Intent, etc., shall also form part of the report.

24.		Any other information
		Any other information as may be available or required by any authority as prescribed
25.		Certificate from the qualified person with name, date and signature.

(e) in Part V,—

(i) for the heading “Contents of Prefeasibility Report”, the following heading shall be substituted, namely:—

“CONTENTS OF PRE-FEASIBILITY AND FEASIBILITY REPORT”;

(ii) for the opening portion, the following opening portion shall be substituted, namely:—

“Criteria for Prefeasibility or Feasibility Report for Estimation and Reporting of Mineral Reserves (the criteria listed in the geological study report shall also constitute an integral part of this template).”;

(iii) in serial number 2, in clause (2), for the words, “Cut off parameters”, the words “Cut-off grade or quality parameters” shall be substituted;

(iv) after serial number 8 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

“9.Certificate	Certificate from the qualified person	Name, date & signature.”.
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9. In the said rules, after the Schedule I, the following Schedule shall be inserted, namely:—

“Schedule-II

[See proviso to rule 5]

PARAMETER FOR ESTABLISHING THE EXISTENCE OF MINERAL CONTENT IN CERTAIN AREA IN RESPECT OF CERTAIN MINERALS

Sl. No.	Principle mineral	Type of deposit
1.	Limestone, iron ore and bauxite	Bedded, stratiform and tabular deposits of homogenous, regular sedimentary and metasedimentary basins without significant structural deformations of limestone and iron ore and residual high level tabular deposits of bauxite.”.

[F. No. 16/97/2020-M-VI]

Dr. VEENA KUMARI DERMAL, Jt. Secy.

Note:- The Minerals (Evidence of Mineral Contents) Rules, 2015 were published in the Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R.304(E), dated the 17th April, 2015.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-19

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 11 ಕೇನಿಪ್ರ 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 25.06.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Mines and Minerals (Contribution to District
Mineral Foundation) Amendment Rules, 2021ರ NOTIFICATION G.S.R.437(E) ಅನ್ನು
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 25th June, 2021

G.S.R. 437(E).—In exercise of the powers conferred by sub-sections (5) and (6) of section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015, namely:—

1. (1) These rules may be called the Mines and Minerals (Contribution to District Mineral Foundation) Amendment Rules, 2021.

(2) They shall be deemed to have come into force on the 28th day of March, 2021.

2. In the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015, (hereinafter, the principal rules), in rule 2,—

(i) for the words “prospecting licence-cum-mining lease”, at both the places where they occur, the words “composite licence” shall be substituted;

(ii) in clause (a), after the figures, letters and word “12th January, 2015”, the words, brackets, figures and letter “, other than those mineral concessions which are covered under the provisions of sub-section (2) of section 10A” shall be inserted;

(iii) in clause (b), after the figures, letters and word “12th January, 2015”, the words, brackets, figures and letter “and those mining leases covered under the provisions of sub-section (2) of section 10A” shall be inserted.

(iv) after clause (b), the following proviso shall be inserted namely: —

“Provided that the amount calculated at the rate specified at clause (b) of rule 2 in respect of the mining leases covered under the provisions of sub-section (2) of section 10A shall be paid with effect from the 28th day of March, 2021.”

[F. No. 1/3/2021-M.VI]

Dr. VEENA KUMARI DERMAL, Jt. Secy.

Note : The Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015 were published in Gazette of India, Part II, section 3, sub-section (i) *vide* number G.S.R. 715(E), dated, the 17th September, 2015.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-20

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 12 ಕೇನಿಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 09.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Colliery Control (Amendment) Rules,
2021ರ NOTIFICATION G.S.R.546(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COAL

NOTIFICATION

New Delhi, the 9th August, 2021

G.S.R. 546(E).—In exercise of the powers conferred by sub-sections (1) and (2) of section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules to amend the Colliery Control Rules, 2004, namely:—

1. Short title and commencement.—(1) These rules may be called the Colliery Control (Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Colliery Control Rules, 2004 (hereinafter referred to as the principal rules), for rule 2, the following rule shall be substituted, namely:—

“2. Definitions.—(1) In these rules, unless the context otherwise requires, —

- (a) ‘Act’ means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);
- (b) ‘agent’, ‘manager’ and ‘owner’ when used in relation to a colliery shall have the meanings respectively assigned to them in Mines Act, 1952;
- (c) ‘coal’ includes anthracite, bituminous coal, lignite, peat and any other form of carbonaceous matter sold or marketed as opal and also coke;
- (d) ‘Coal Controller’ means the person appointed as such by the Central Government under the provisions of the Coal Controller’s Organisation (Group ‘A’ Posts) Recruitment Rules, 1986;
- (e) ‘colliery’ means any mine or open working where winning or extraction of coal is the principal object of the mining, quarrying or any other operation carried on therein and includes a plant for production of coke or for the washing of coal;
- (f) ‘disposal’ includes agreeing or offering to dispose of, and the disposal of ownership or any proprietary interest, the right of possession and possession whether or not accompanied by any disposal of ownership or any other proprietary interest;
- (g) ‘safety in coal mines’ includes the safety of any railway situated on the surface above coal mine;
- (h) ‘size’ when used in relation to coal shall have the same specifications as given, from time to time, by the Bureau of Indian Standards in their specifications number IS: 437-1979;
- (i) ‘stowing’ means operation of filling with sand or any other material, or with both, spaces left underground in a coal mine by extraction of coal;
- (j) ‘washing’ means such process or combination of processes as may be approved in this behalf by the Central Government by which the whole or any part of the shale and minerals matter found in the coal is removed therefrom.

(2) The words, expressions used in these rules but not defined herein shall have the same meaning as referred to them in the Act or rules made thereunder.”

3. In the principal rules, for Rule 5, following shall be substituted, namely:—

“5. Submission of returns and information to Coal Controller.—

- (1) Every owner, agent or manager of a colliery and every person engaged in the business of production, supply and distribution of, or trade and commerce in coal, on being directed to do so by the Coal

Controller shall submit such returns and other information including information regarding production of dispatch of coal, washery products from his mines, washery and process products, working methods and conditions in his mine or mines, within such time, as may be specified in the direction.

- (2) Every owner, agent or manager shall furnish to the Coal Controller such other information regarding opening, re-opening, closure of mine, seam or section of seam and any other information as may be required by the Coal Controller in respect of prescribed media for transfer.”.

4. In the principal rules, after rule 10, the following rule shall be inserted, namely:—

"10A. Power to Monitor Mine Closure and operate the escrow account formed for funding Mine Closure Activity – The Coal Controller or any other officer authorised by him in writing may with a view to securing compliance of this rule, -

- (a) require any owner or agent or manager of a colliery to give any information in his possession regarding to implementation of approved mine closure plan;
- (b) inspect the closure activities being conducted at the mine and direct for any additional jobs to be carried out to fulfil the conditions of Mine Closure Plan;
- (c) Coal Controller shall issue Mine Closure Compliance Certificates based on which the reclaimed leasehold area or any structure thereon which is not to be utilised by the mine owner shall be surrendered to the State Government following a laid down procedure which are in vogue at that point of time."

5. In the principal rules, after rule 12, the following rules shall be inserted, namely:—

"12A. Power of Central Government in respect of conservation of coal and development of coal mines.—(1) The Central Government may, for the purpose of conservation of coal and for the development of coal mines, exercise such powers and take, or cause to be taken, such measures as it may deem necessary or proper.

(2) Without prejudice to the generality of the foregoing power, the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of conservation of coal or for development of coal mines, including—

- (a) in any coal mine, stowing for safety; or
- (b) the prevention of any factor which may adversely affect the conservation of coal or development of coal mine; or
- (c) washing of coal with a view to beneficiating and reducing the ash-contents of coal.

(3) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-rule (1) or sub-rule (2) in relation to a coal mine is justified, recover such cost from the owner, agent or manager of the coal mine, either wholly or partly, in the same manner as an arrear of land revenue.

12B. Duty of owner, agent or manager to take steps for the conservation and development of coal mine.—(1) The owner, agent or manager of a coal mine shall take, in relation to each coal mine owned by him, such steps as may be necessary to ensure the conservation of coal and development of the coal mine.

(2) Without prejudice to the generality of the provisions of sub-rule(1), the owner, agent or manager of a coal mine shall—

- (a) execute such stowing and other operations as may be necessary to be taken in furtherance of the objects of the Act in so far as such objects relate to the conservation of coal or development of the coal mine or the utilisation of coal obtained from the coal mine;
- (b) acquire such stowing and other materials as may be necessary for ensuring the conservation of coal, and safety in, the coal mine;
- (c) undertake research in relation to conservation of coal, development of coal mines and utilisation of coal;
- (d) plan and undertake development of the coal mines in a scientific manner.

12C. Coal Conservation and Development Advisory Committee. — (1) For the purpose of determining the procedure for the disbursement of sums of the credit of the Coal Mines Conservation and Development Account, the Central Government may constitute an Advisory Committee, to be called the “Coal Conservation and Development Advisory Committee” to advise the Government.

(2) The Advisory Committee shall consist of the following members, namely: —

- (i) Additional Secretary (Coal), Ministry of Coal, ex-officio who shall be the Chairman;
- (ii) Financial Adviser and Joint Secretary, Ministry of Coal, ex-officio -member;
- (iii) Advisor (Projects), Ministry of Coal- member;

- (iv) Director General of Mine Safety, Ministry of Labour, ex-officio member;
 - (v) Sr. Advisor (Energy), NitiAayog- member;
 - (vi) Chairman-cum-Managing Director, BCCL- member;
 - (vii) Chairman-cum-Managing Director, ECL-member;
 - (viii) Chairman-cum-Managing Director, Central Mine Planning and DesignInstitute- member;
 - (ix) Director (Technical), Coal India Ltd.- member;
 - (x) Director (Technical), SCCL-member;
 - (xi) Director, Central Institute of Mining & Fuel Research, Dhanbad, ex-officio member;
 - (xii) Coal Controller, Ministry of Coal – member secretary;
 - (xiii) Two representatives of private or captive coal producing organisations to benominated by the Central Government.
- (3) Without prejudice to the generality of the provisions contained in sub-rule (1), the Coal Conservation and Development Advisory Committee shall—
- (a) advise the Central Government regarding the formulation and implementation of a national policy in relation to the conservation, development and scientific utilization of the coal reserves of the country keeping in view the recommendation that may be made in this regard by the Central Mine Planning and Design Institute or any other authority specified on its behalf;
 - (b) recommend measures which should be taken for—
 - (i) ensuring the conservation of the coal resources,
 - (ii) undertaking the development of the coal mines in a scientific manner,
 - (iii) undertaking research in relation to conservation of coal, development of coal mines and utilisation of coal,
 - (iv) undertaking formulation and implementation of national policy on Mine Closure Plan of Coal (including Lignite) mines; and
 - (v) better utilisation of coal;
 - (c) recommend the classes, grade or sizes into which coal or coke may be categorised;
 - (d) advise the Central Government on the disbursement of funds under financial assistance scheme to the owners, agents or managers of coal mines or to any other person for specified purposes;
 - (e) advise the Central Government on the manner in which and the condition, subject to which financial assistance shall be granted;
 - (f) advise the Central Government regarding the procedure that should be adopted for carrying out examination, inquiries and inspection in order to ascertain whether the financial assistance is being or has been utilised for the purpose for which it was sanctioned, as also to ascertain whether the provision made thereunder are being complied with;
 - (g) recommend to the Central Government the action that should be taken against those who make any default in complying with the provisions, and also in implementing the schemes and measures for conservation and development of coal mines.
- (4) The Coal Conservation and Development Advisory Committee shall meet as and when required by the Central Government to do so and shall have the power to regulate its own procedure.
- (5) The non-constitution of the Coal Conservation and Development Advisory Committee or the existence of any vacancy therein shall not render invalid the disbursement or application of any amounts out of the sums standing to the credit of the Coal Mines Conservation and Development Account.

12D. Purposes for which funds may be disbursed.— The Central Government may, having regard to the recommendations of the Coal Conservation and Development Advisory Committee, make disbursements to the owners, agents or manager of coal mines or to any other person, for the purposes, one or more of the following, namely : —

- (1) Conservation and safety-
 - (a) Stowing operations.
 - (b) Protective Works, including-
 - (i) blanketing with incombustible materials;

- (ii) filling up of subsidence;
- (iii) cutting of branch trenches;
- (c) Surface protection measures including vacation of buildings and structures over areas of subsidence and rehabilitation of affected persons;
- (d) Installation of stowing plants, blending plants and plants for the beneficiation of coal;
- (e) Schemes for recovery and transportation of sand.
- (2) Scientific Development of Coal Mines —
 - (a) Development of new coal mining methods, development and utilisation of explosives;
 - (b) Techno-economic studies of various underground and surface transport systems in mines;
 - (c) Investigation into problems of rock burst in deep mines;
 - (d) Investigation into roof bolting under different mining conditions;
 - (e) Introduction of man riding system;
 - (f) IT and other electronic aids for application in mining.
- (3) Research and Development—
 - (a) Transportation of stowing material;
 - (b) Investigations into suitability of waste materials for stowing in mines;
 - (c) Investigation into problems of mines fires and efficacy of different methods of dealing with them;
 - (d) Assessment of ventilation and other environmental condition in mines;
 - (e) Problems relating to Methane emission and drainage from highly gassy coal seams;
 - (f) Research on surface pollution and environmental control in mining areas;
 - (g) Any other activity for furtherance of conservation as directed by the Central Government;
- (4) Meeting the expenses in connection with the work of Advisory Committee
- (5) Development of roads and creation of rail infrastructure.

12E. Application For Assistance.— Every owner, agent or manager of a coal mine or group of coal mines or any other person, desirous of obtaining financial assistance for purposes mentioned in rule 12D, shall submit his application to the Coal Controller in the form as may be specified by the Coal Conservation and Development Advisory committee.

12F. Quantum of Assistance.—The Assistance shall be granted by the Central Government with due regard to the circumstances of each case.

12G. Acceptance of Conditions Attaching to the Grant Of Assistance.— Before granting assistance under these rules, the Central Government may specify the conditions to be fulfilled by the owner, agent or manager of a coal mine or any other person to whom assistance is proposed to be granted and secure the acceptance in writing by such owner, agent or manager of the coal mine or any other person of such conditions.

12H. Submission of Annual Reports.— Every person to whom the money has been disbursed shall submit to the Coal Controller by 30th September in each year an Annual Report regarding the utilisation of the assistance received by him during the previous financial year along with a copy of the statement of Receipts and Payments, together with the Auditor's Report in respect of the Coal Mines Conservation and Development Account and the Statement of Receipts and Payments in the form as may be specified by the Coal Controller."

[No.12012/3/2021-PS-I]

BHABANI PRASAD PATI, Jt Secy.

The Principal rules were published in the Gazette of India, Extraordinary under Part II, Section 3, Sub Section (i) vide number GSR 540 (E), dated the 25th August 2004.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-21

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 13 ಕೇನಿಪ್ರ 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 22.06.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Rules of Procedure of the National
Commission for Scheduled Tribes, 2021ರ NOTIFICATION G.S.R.550(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF TRIBAL AFFAIRS
(NATIONAL COMMISSION FOR SCHEDULED TRIBES)

NOTIFICATION

New Delhi, the 22nd June, 2021

(Formation notified vide file No. 17014/12/99-TDR, dated 19th February, 2004, Ministry of Tribal Affairs).

[Under Article 338A (4) of the Constitution]

G.S.R. 550(E).—This is in supersession of Rules of Procedure of the National Commission for Scheduled Tribes published in the Gazette of India on 16.10.2004 vide G.S.R. 365. These Rules may be called, the Rules of Procedure of National Commission for Scheduled Tribes, 2021 which come to effect from the 22nd June, 2021.

RULES OF PROCEDURE OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES, 2021

CHAPTER I

GENERAL

1. CONSTITUTION OF THE COMMISSION

The National Commission for Scheduled Tribes (hereinafter called the Commission) has been constituted under Article 338A of the Constitution of India as amended by the Constitution (Eighty-Ninth Amendment) Act, 2003. The Commission shall consist of a Chairperson, a Vice-Chairperson and three other Members.

2. CONSTITUTIONAL PROVISIONS

The duties of the commission as laid down in the Article 338A(5) & 338A(9) of the Constitution of India are:

- (A) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (B) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
- (C) To participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (D) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (E) To make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
- (F) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (G) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

3. HEADQUARTERS OF THE COMMISSION

3.1 The Headquarters of the Commission shall be located at New Delhi.

3.2 The Commission shall function by holding 'sittings', 'meetings', review meetings, recording of statements of complainants, examination of witnesses etc. at any place within the country through its officers, at the Headquarters, in the Regional offices, in the Camp Office/ Residence Office of the Chairperson of the Commission. The Members of the Commission including the Chairperson and Vice Chairperson shall function in accordance with the procedure prescribed under these rules.

- 3.3** The Commission shall take steps on its expenses to create and maintain fully furnished and fully equipped Camp Office/ Residence Office at official residence of the Chairperson.

CHAPTER II

DIVISION OF RESPONSIBILITIES AND ALLOCATION OF WORK

4. CHAIRPERSON

- 4.1** The Chairperson shall be the head of the Commission and shall have powers to decide on all questions and matters pertaining to and arising in the Commission.
- 4.2** The Chairperson shall allocate subjects and responsibilities among the Members of the Commission. The Orders allocating the subjects and responsibilities shall be circulated to all concerned by the Secretariat of the Commission.
- 4.3** The Chairperson shall be the authority to sanction leave and approve tours of the Vice-Chairperson, Members, Secretary and Joint Secretary.
- 4.4** The Chairperson shall preside over the meetings of the Commission.
- 4.5** All important decisions in the Commission about its functioning shall be taken with the approval of the Chairperson.
- 4.6** All important administrative matters like appointments, promotions, transfer, posting and deputation etc. shall be placed before the Chairperson wherein he/she may pass general or specific order on such matter(s).
- 4.7** The Chairperson may call for any records on any matter which he/she considers important and may take a decision on it himself/herself or, if necessary, place it at the meeting of the Commission.
- 4.8** The Chairperson shall be the authority to approve Annual Report, Special Report(s) as adopted by the Commission and Communication(s) to the Ministries/ Departments of the Government of India/ State Government(s)/ Union Territory(s)/ Media.
- 4.9** The Chairperson shall take decision to conduct specific studies in the areas of the safeguards provided to Scheduled Tribes and shall sanction the budget required for such studies.
- 4.10** The Chairperson shall nominate any person as the representative of the National Commission for Scheduled Tribe wherever applicable.
- 4.11** The Chairperson shall designate an officer not below the rank of Deputy Secretary as Appellate Authority for disposal of cases relating to the Right to Information Act, 2005.

5. VICE-CHAIRPERSON

- 5.1** The Vice-Chairperson shall preside over the meetings of the Commission in the absence of the Chairperson.
- 5.2** The Vice-Chairperson shall perform such functions as are entrusted to him/her by the Chairperson.

6. MEMBERS

- 6.1** The Members of the Commission shall have collective responsibility and shall function by participating in the 'meetings' and 'sittings' of the Commission and looking after the subjects allocated to them by the Chairperson. Important actions and decisions of a Member may be brought at a meeting of the Commission which may review the same.
- 6.2** Any Member may suggest items for inclusion in the agenda of a meeting of the Commission and the same shall be so included after obtaining the consent of the Chairperson.
- 6.3** Each Member shall have overall responsibility of subjects and/or regions or State(s)/ Union Territory(s) as may be allocated to him by the Chairperson.

6.4 The Members shall play the role of advising the State Government(s)/ Union Territory(s) under their jurisdiction on matters of planning and development relating to the welfare of Scheduled Tribes in accordance with the decisions taken in the meetings of the Commission / with prior approval of the Chairperson. The Commission's Secretariat at Headquarters and the Regional Offices shall assist the Members in keeping them fully informed of the problems and activities of the States and subjects under their respective charge.

6.5 One or more Members may, in accordance with the procedure specified in the rules elsewhere, hold sittings of the Commission to give hearing to the cases and/ or to collect evidence or information on any matter, issue or case under investigation or inquiry of the Commission.

6.6 The Members shall communicate their tour Programme through either the Secretariat of the Commission or Secretariat of the Chairperson/ Vice-Chairperson/ Member(s) well in advance to the Regional offices indicating in detail the purpose of the visit and to the State Govt. Department and others concerned for discussions/inquiry, etc., during the tour/ visit and shall be responsible to submit tour/ visit report to the Chairperson within reasonable time. The Members will observe the norms laid down by the State Government(s) regarding security/ travel/ accommodation etc., during such tours.

7. SECRETARY

7.1 The Secretary shall be the administrative head of the Secretariat of the Commission and shall assist the Commission, its Member(s) including Chairperson and Vice-Chairperson in the discharge of its functions with the assistance of the officers of the Commission.

7.2 All important administrative matters shall be placed before the Secretary who may pass general or specific orders on such matters with the approval of the Chairperson only and in the absence of the Chairperson by the competent authority as designated by the Chairperson in this regard.

7.3 The Secretary shall be responsible for having the agenda prepared for the meetings of the Commission and for circulating the minutes with prior approval of the Chairperson.

7.4 The Secretary shall be the authority to sanction leave to Directors, all Group 'A' and Gazetted officers below him/her.

7.5 The Secretary shall be accountable to the Commission and shall be responsible to update the Commission with all relevant information relating to safeguards provided for the Scheduled Tribes under the Constitution, under any other law for the time being in force or under any order of the Government or by any Order / Direction issued by the Hon'ble Supreme Court of India or any High Court.

7.6 The Secretary shall be the Chief Vigilance Officer of the Commission and shall report all important matters to the Chairperson pertaining to vigilance cases.

7.7 The Secretary may, in his/her discretion, delegate any of his/her functions or authority to a subordinate officer of the Secretariat with the approval of Chairperson.

7.8 The Secretary shall be responsible to assist and monitor preparation of Annual Report, Special Report(s) and ensure proper liaison with the Ministries/ Departments of Government of India / State Government(s) / UTs.

7.9 The Secretary shall be responsible to assist for conducting the meetings of the Commission in accordance with the procedure laid down in Chapter IV of the Rules of Procedure.

8. JOINT SECRETARY

8.1 The Joint Secretary shall be responsible to monitor working of the Officials of the Commission including Regional offices of the Commission.

8.2 All important administrative matters shall be placed before the Joint Secretary who may pass general or specific orders on such matters with the approval of the Chairperson/ Secretary.

8.3 The Joint Secretary, in absence of the Secretary, shall be responsible for having the agenda prepared for the meetings of the Commission.

8.4 The Joint Secretary shall be the authority to sanction leave to Group 'B' officers & other staff of the Commission.

8.5 The Joint Secretary, in absence of the Secretary, shall be accountable to the Commission and shall be responsible to update the Commission on all relevant information relating to safeguards provided for the Scheduled Tribes under the Constitution, under any other law for the time being in force or under any order of the Government or by any Order / Direction issued by the Hon'ble Supreme Court of India or any High Court.

8.6 The Joint Secretary shall also function as Vigilance Officer of the Commission and may act as Chief Vigilance Officer in absence of the Secretary of the Commission with the approval of Chairperson and shall report all important matters to the Chairperson pertaining to vigilance cases.

8.7 The Joint Secretary may, in his/her discretion, delegate any of his/her function or authority to a subordinate officer of the secretariat with the approval of Chairperson/ Secretary.

8.8 The Joint Secretary shall be responsible for updating the website and social media of the Commission.

CHAPTER III

INVESTIGATION AND INQUIRY BY THE COMMISSION

9. METHODS OF INVESTIGATION AND INQUIRY

9.1 The Commission shall perform all functions to fulfil its duties as laid down in the Constitution and to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

9.2 The Commission may inquire or investigate any information/complaint:-

9.2.1. Suo motu or

9.2.2. On a Petition/ Complaint/ Information submitted to it by a victim or any person on his/her behalf or

9.2.3. On a direction or order of any court.

9.3 The following aspects are required to be kept in mind by the Petitioner/Complainant while filing complaint(s) before the Commission:-

9.3.1. The complaints should be directly addressed to the Chairperson/ Vice Chairperson/ Member(s), National Commission for Scheduled Tribes, New Delhi or Regional offices.

9.3.2. The complainants should disclose their full identity and give full address with Mobile No or Email ID etc., and should sign the representation.

9.3.3. Complaint(s) should be legibly written or typed and, where necessary, supported by authenticated documents;

9.3.4. Complaints should clearly disclose the violation of Reservation Policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies Orders, or any other violation of Rules of Reservation.

9.3.5. Subjudice matter(s) need not be referred to the Commission as complaint(s).

9.3.6. Cases pending in Courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.

9.3.7. The cases of Administrative nature like transfer/posting/grading of ACRs will not be taken up by the Commission unless there is harassment of petitioner due to his/her Scheduled Tribe status.

9.3.8. No action will be taken on the matters where there is no mention of violation of Reservation Policy, DoPT OM's, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies Orders, or any other violation of Rules of Reservation. Hence the matter where there is no mention of violation of above Rules need not be referred to the Commission as complaints.

9.4 The Commission may adopt any one or more of the following methods for investigating or inquiring into the matters falling within its authority:

9.4.1. By the Commission directly;

9.4.2. By an Investigating Team constituted at the Headquarters of the Commission;

9.4.3. Through its Regional Offices

9.4.4. By the State Agencies; and

9.4.5. By any other Institution/Department funded by Central Government/ State Government(s) / Union Territory(s) and its Statutory Bodies.

10. INVESTIGATION AND INQUIRY BY THE COMMISSION DIRECTLY

10.1 The Commission may hold sittings for investigation into matters relating to deprivation of rights, safeguards, protection, welfare and development of the Scheduled Tribes for inquiry into specific complaint(s) for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarters of the Commission or at any other place within the country.

10.2 The sitting(s) of the Commission would be held after giving due notice to the parties intended to be heard and also due publicity/notice to the general public. Care will be taken to see that the members of the Scheduled Tribes who are affected in the matter under investigation or inquiry are given due information through notice or publicity.

10.3 When a decision for direct investigation is taken, an officer not below the rank of Research Officer/ Section Officer along with the necessary staff maybe be attached to the Chairperson/ Vice- Chairperson/ Member(s) entrusted with such investigation or enquiry and they shall take all steps to arrange such sittings.

10.4 The Commission may convene meeting of all the Chief Secretaries, DGPs, Principal Secretaries of the State and Secretaries of the Government of India, who may be considered accountable for the implementation of the programme of the safeguards as enumerated under Article 338A for monitoring the safeguards and development.

10.5 In accordance with clause 8 of Article 338A of the Constitution, while investigating in a matter referred to in sub-clause (a) or in inquiring into any complaint referred to in sub-clause (b) of clause (5) of Article 338A, the Commission shall have all the powers of civil court trying a suit and in particular in respect of the following matters, namely:-

(A) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(B) Requiring the discovery and production of any document;

(C) Receiving evidence on affidavits;

(D) Requisitioning any public record or copy thereof from any court or office;

(E) Issuing commissions for the examination of witnesses and documents;

(F) Any other matter which the President may, by rule determine.

10.6 The Commission for the purpose of taking evidence in the investigation or inquiry may require the presence of any person and when considered necessary may issue summons to him/her with the approval of the Chairperson. Chairperson in certain matters/ cases/ circumstances may allow authorised representative of the concerned person as named in the summons to appear on behalf of concerned person with an authority letter before the Commission. The summons for enforcing attendance of any person from any part of India and

examining him/her during the course of investigation and inquiry by the Commission shall provide at least one week notice to the person directed to be present before the Commission from the date of receipt of the summons. In the serious cases, three days' notice will be given to the person directed to be present before the Commission from the date of receipt of the summons by him/her.

10.7 The Commission for the purpose of investigation or inquiry may issue "Notice for collecting basic facts" and the contents of the Notice may be changed on case by case basis with prior approval of Chairperson of the Commission. Where issues related to Life, Property, Service/ Employment, deprivation of rights or safeguards of Scheduled Tribes and other related matters needs prompt attention of the Commission, Notice Period may be curtailed from 10 Days with respect to "Notice for collecting basic facts" with prior approval of Chairperson, Vice-Chairperson or Member of the Commission.

10.8 Where the life, property, service/ employment, deprivation of rights or safeguards of the Scheduled Tribes and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of email/fax to the concerned authority for making it known to them that the Commission is seized of the issue and that authority will be prohibited to take any action without taking prior approval from the Commission, till the completion of the enquiry / investigation in the matter by the Commission. Urgent reply by email or fax shall be called from the concerned authority. In case no reply is received within three working days, the authority concerned may be required to appear before the Commission at a three days' notice for enquiry.

10.9 The Commission may issue commission under clause 8(e) of Article 338A of the Constitution to take evidence in any matter under investigation or inquiry and for this purpose appoint any person by an order in writing. The Commission may make further rules for payment of fee and travelling and other allowances to persons appointed to take evidence on commission.

10.10 After holding the required sittings, the Member(s) who conducted the investigation shall make a report which shall be sent to the officer authorized by the Commission to receive the report. The report received in the Commission shall be submitted within 3 days to the Chairperson for inspections. After examination, action may be initiated on the report with the approval of the Chairperson.

11. INVESTIGATION OR INQUIRY BY AN INVESTIGATION TEAM CONSTITUTED AT THE HEADQUARTERS OF THE COMMISSION

11.1 The Commission may decide about the matter that is to be investigated or enquired into by an Investigating Team of officials of the Commission, provided that in case the matter is urgent, the decision for such investigation or inquiry may be taken by the Chairperson.

11.2 The Investigating Team shall hold the investigation or inquiry, as the case may be, promptly and for this purpose, may initiate necessary correspondence including issuance of notices for production of documents in Form-I, appended to these rules.

11.3 The Investigating Team may visit the area concerned after observing due formalities for obtaining approval of tours and other administrative requirements and after giving information to the concerned local authorities regarding the matter, purpose, scope and procedure of the investigation or inquiry. The Investigating Team may enlist the help of the officers and staff of the concerned Regional office but the responsibility of preparing and presenting the report shall rest with the head of the Investigating Team.

11.4 The Investigating Team shall submit the report of the investigation or inquiry, as the case may be, to the Chairperson/ Vice-Chairperson/ Members(s) of the Commission/ the Secretary or a subordinate officer of the Commission as may be directed by general or specific orders by the Chairperson, within the stipulated time, if any. If the time limit stipulated is likely to be exceeded, the head of the Investigating Team shall obtain the orders of the Chairperson through the Officer-in-charge of the matter. The report shall be examined and put up to the Chairperson for a decision regarding the action to be taken on the report.

11.5 The decision of the report shall be sent to the Secretary /Joint Secretary /Officer-in-charge to be placed before the Chairperson of the Commission who will take appropriate action in the matter.

12. INVESTIGATION AND INQUIRY THROUGH THE REGIONAL OFFICES

12.1 The Chairperson, the Vice-chairperson, the Members having jurisdiction over the subject may decide about an investigation or inquiry that may be carried out through the Regional offices of the Commission. The decision will be conveyed to the Officer-in-Charge of the concerned Regional office who will be asked to get the matter investigated or inquired into within a stipulated time and send the report. The Regional office shall conduct the investigation or inquiry through interrogation, on the spot visit, discussions, correspondence and examination of documents as may be necessary in the case and shall follow any special or general instructions issued in the matter by the Chairperson, the Vice-chairperson, the Members through the officials of the Commission from time to time.

12.2 If the investigation or inquiry cannot be completed within the stipulated time, the officer-in-charge of the Regional office may send a communication to the Secretariat of the Commission before the expiry of the stipulated time and explain the circumstances and reasons for non-completion of the investigation or inquiry, as the case maybe within the stipulated time. The Secretary to the Commission or the Member under delegated functions may consider the request and communicate a revised date after taking approval of the Chairperson for the completion of the investigation or inquiry.

12.3 If during the course of investigation or inquiry, the Head of the Regional office feels that it is necessary to invoke the powers of the Commission to require the production of any document or compelling the attendance of a person, he may make a special report with full facts to the Secretariat of the Commission. On receipt of such special report, the matter shall be placed before the Secretary/Member in-charge of the subject/ State/ UT who may make an order that necessary legal process to compel attendance or to require reduction of any document may be issued. The summons and warrants issued for the purpose may be served on the person concerned either directly or through the officer-in- charge of the Regional office as may be directed by the Chairperson authorizing issue of such legal process.

12.4 After completion of the investigation or inquiry, as the case may be, the head of the Regional office shall submit the report to the Secretary of the Commission suggesting the course of action that could be followed in the matter. The gist or findings of the report may be placed before the Chairperson with specific proposals by the Secretary who may decide about further action in the matter.

13. INVESTIGATION BY THE STATE AGENCIES

13.1 The Chairperson/Vice-Chairperson/Member(s) may decide about an investigation or inquiry that may be carried out through the State Agencies. The decision will be conveyed to the Chief Secretary/Officer-in-charge of the concerned State/State Agency(s) who will be asked to get the matter investigated or inquired into within a stipulated time and send the report.

13.2 Investigation by any other Institution / Department funded by Central Govt. & its Statutory Bodies.

14. INQUIRY INTO SPECIFIC COMPLAINTS

The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Tribes. In order to enable the Commission to perform this function effectively and efficiently, the Commission would like the members of Scheduled Tribes to know that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules or directions which have been violated.

15. INQUIRY INTO CASES OF ATROCITIES

15.1 Whenever information is received in the Commission about any incident of atrocity belonging to Scheduled Tribes, the Commission would immediately get in touch with the law enforcing agencies and administrative machinery of the State and the district to ascertain the details of incident and the action taken by the district administration. If after detailed inquiry/investigation; the Commission finds substance in the allegation/complaint regarding atrocity, the Commission may recommend filing of an FIR against the accused with the concerned law-enforcing agency of the State/ District. In such cases, the State Government(s)/ Union Territory(s) / District Administration/ Police Personnel may be called within three days through the summons.

15.2 The Commission ensures the following while monitoring and issuing instructions to the concerned authorities:

15.2.1 Whether the scene of occurrence of the crime has been visited immediately by Collector and Superintendent of Police of the district on receipt of information.

15.2.2 Whether proper FIR is registered in local Police Station.

15.2.3 Whether names of all persons involved/cited by the complainant has been included in the FIR.

15.2.4 Whether investigation has been taken up by a Senior Police Officer as per the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

15.2.5 Whether culprits have been apprehended and booked without loss of time.

15.2.6 Whether proper charge sheet has been filed mentioning the relevant sections of IPC together with PCR Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in court.

15.2.7 Whether the cases are tried by the Special Courts.

15.2.8 Whether Special Public Prosecutors are appointed to handle these cases.

15.2.9 Whether Police assists the courts in bringing forward witnesses and see that the culprits are suitably punished by the courts.

15.3 The Commission will also monitor that:

15.3.1 The victims are provided with suitable medical assistance on time;

15.3.2 Adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling etc;

15.3.3 To see that proper compensation is paid to the victims as per provisions of law.

15.4 The Commission will, wherever possible depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.

15.5 The Commission may lay down detailed procedure for conducting such inquiries and monitoring at all levels. Such inquiries can be conducted by the Member(s) of the Commission or Teams of Investigators from Headquarters or Regional office of the Commission or any other officer(s) / agency duly appointed/ authorized by the Chairperson.

15.6 When any offence described as atrocity in the relevant acts for the time being in force, is committed in the view of the Commission or has been found to have been taken cognizance by the Commission, in pursuance of the enquiry/investigation conducted by it in the discharge of its functions, the Commission may, after recording the facts constituting the offence, forward the case to a Magistrate having the jurisdiction to try the same

16. CONFIDENTIALITY OF CERTAIN REPORTS

The Commission may, through a decision at a meeting or otherwise, direct that the contents of any report made on any matter shall be kept confidential and shall not be revealed to any person other than those who have been authorized access to such report.

17. LEGAL PROCESSES

All summons and warrants that are required to be issued in pursuance of the exercise of the powers of a civil court by the Commission shall be written in the prescribed form and shall bear the seal of the Commission. The legal process shall be issued from the Legal Cell of the Commission and shall bear its seal. The provisions of the Code of Civil Procedure applicable for the service of the legal processes shall be followed by the Commission.

18. ISSUE OF LETTERS AND NOTICES

Letters and Notices as provided in Form I requiring production of documents which are issued without exercising the powers of the civil court by the Commission may be signed by an officer not below the rank of Research Officer/Section Officer.

19. FORM OF SUMMONS AND WARRANTS

The Summons shall be as in Form II and III respectively and Warrants shall be as in Form IV, appended to these Rules.

CHAPTER IV**MEETINGS OF THE COMMISSION****20. FREQUENCY OF MEETINGS**

The Commission shall meet at least once in two months. The notice for a meeting shall normally be issued one week in advance. Emergent meetings may also be called by the Chairperson either on his own or on the request of a Member or the Secretary for disposing of important matters requiring urgent consideration by the Commission.

21. QUORUM

21.1 Presence of minimum 50% of posted members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.

21.2 If the quorum is not complete, the Chairperson may adjourn the meeting for half an hour. When the Commission reassembles, the quorum requirement shall not apply.

22. MATTERS REQUIRING DECISIONS BY THE COMMISSION AT ITS MEETINGS

The following matters shall be brought up before the Commission at a meeting for consideration and decision:

22.1 Any amendment to these Rules of Procedure;

22.2 Matters to be investigated by the Commission directly;

22.3 All the reports that are required to be considered by the Commission as provided in these rules;

22.4 Any matters that a Member may like to bring to the meeting, with the approval of the Chairperson;

22.5 Important matters relating to planning and development for the welfare and advancement of the Scheduled Tribes and specially references received under Article 338A (9) of the Constitution; and

22.6 Any matter that the Chairperson may direct to be placed at a meeting of the Commission.

23. AGENDA FOR THE MEETING

23.1 The agenda will normally be circulated to all the Members at least Five days before the date of the meeting, provided that for an Emergent Meeting, this time limit may not apply.

23.2 The minutes of a meeting shall be circulated by the Secretary to all the Members within three working days from the date of the meeting.

24. PLACE OF MEETING OF THE COMMISSION

Normally the place of meeting of the Commission shall be the Headquarters of the Commission at New Delhi. The Commission may, however, decide to hold a meeting at any other place in India.

25. FEE

The Chairperson, the Vice-Chairperson and the Members shall not be entitled to any fee for sitting in the meeting of the Commission. However, the entitlement of part-time Members, if any, may be determined by the terms of appointment of such Members.

26. AUDIO & VIDEO RECORDING OF THE MEETINGS AND SITTINGS

26.1 'Meetings' and 'Sittings' to be held by Commission physically or virtually may be recorded by Audio and/ or Video format only with the prior approval of the Chairperson.

26.2 The Chairperson may pass any general or specific order or direction for disposing off the Recording(s) and shall also determine the period for which the Recording(s) shall be preserved.

26.3 The Chairperson may pass any general or specific order directing that the contents of any Recording(s) shall be kept confidential and shall not be revealed to any person other than those authorised access to such Recording.

26.4 The Commission may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognised customs and practices.

26.5 There shall be no unauthorised Recording of the proceedings of the commission by any person or entity.

CHAPTER V**SITTINGS OF THE COMMISSION****27. NEED FOR SITTINGS**

Whenever a matter is to be investigated into directly by the Commission it may do so by holding sittings of the Commission. In the case of such sittings, the presence of all the Members may not be necessary.

28. OFFICERS TO BE PRESENT

Whenever a Member(s) is holding a sitting, an officer of the Commission, not below the rank of Research Officer/Section Officer, duly deputed for the purpose or Secretariat of the Member(s) shall be present to assist the Member(s) holding the sitting to discharge the functions properly and promptly. It shall be the duty of the officer to assist the Member(s) in preparing the report if called upon to do so by the Member(s). The officer shall also be responsible for assisting the Member(s) in following the prescribed procedure.

29. FREQUENCY OF SITTING(S)

Sittings of the Commission may be held as and when necessary. The Commission may hold more than one sitting simultaneously in different parts of the country with different Members functioning separately.

30. PROGRAMME OF THE SITTINGS

The Programme of the sittings, both at the Headquarters and at other places, would normally be worked out each month in advance and duly circulated.

31. DEFRAIVING EXPENSES TO WITNESSES

31.1 The Commission may defray traveling expenses to persons who have been called through summons to appear before the Commission in a sitting, provided that the place of residence of one person is more than 8 kms. from the place of the sitting of the Commission. The amount so defrayed shall be limited to the actual traveling expenses plus Daily Allowance for the number of days that the person has appeared before the Commission in its sitting, provided that the person is not entitled to

travel and daily allowance from any other source. Persons who are employees of the Government/Public Sector Undertaking shall be deemed to be on duty if they are summoned to depose before the Commission or produce documents. The limit of traveling expenses shall be determined on the basis of the rail fare and road mileage calculated on the basis of the rates that may be prescribed by the Commission. In the case of any doubt regarding the entitlement of the person, the decision of the Secretary of the Commission shall be final.

31.2 The officer attached to the Member for the purposes of the sitting shall take steps to ensure that sufficient cash amount is carried if the sitting is held at a place other than the Headquarters of the Commission. The Secretariat of the Commission may devise a suitable procedure to ensure that such claims as above are paid on the spot and in cash to the person(s) so appearing.

31.3 The claim for traveling expenses as above shall not be admissible in the case of a person who appears before the Commission during any investigation or enquiry on his own accord or in response to a communication or notice which is not a summon issued by the Commission.

CHAPTER VI

DUTIES OF THE REGIONAL OFFICES OF THE COMMISSION

32. IT SHALL BE THE DUTY OF THE REGIONAL OFFICES OF THE COMMISSION:

32.1 To act as the “eyes and ears” of the Commission in the Region(s) under their jurisdiction.

32.2 To maintain effective interaction and liaison with State Government(s)/ Union Territory(s) Administration on behalf of the Commission.

32.3 To serve on State Level Advisory Councils/Committees/Corporations, etc. on behalf of the Commission

32.4 To provide information and documentation about the policies and programmes of the Union Government for the welfare and advancement of Scheduled Tribes to the States, NGOs, Media in their respective jurisdiction, and obtain similar information and documentation from such organizations and provide to the Headquarters of the Commission information/documentation about important developments, social movements, policy changes etc. in the State(s) affecting the interest of Scheduled Tribes.

32.5 To monitor and assist the working of voluntary and other non-governmental organizations receiving grant-in-aid from the Ministry of Tribal Affairs as also other Ministries/Departments of the Central Government and the concerned State government(s)/ Union Territory(s), foreign Aid Agencies etc., for Research Studies and any other development work relating to Scheduled Tribes.

32.6 To conduct Research Studies, Seminars, Conferences, Surveys etc. as entrusted to them by Headquarters from time to time.

32.7 To conduct on-the-spot inquiries into cases of atrocities on Scheduled Tribes either on their own or as entrusted to them by Headquarters and interact with the concerned Administrative/Police authorities having jurisdiction and report to the Headquarters.

32.8 To deal with complaints/representations from individuals, Scheduled Tribes Welfare Associations, etc., on various matters.

32.9 To participate and advise in the planning process for socio-economic development of Scheduled Tribes as envisaged under clause 5 of Article 338A of the Constitution of India.

32.10 To collect, compile, analyse and monitor issues pertaining to development of Scheduled Tribes in the states especially with reference to Tribal Sub Plan (TSP) and Special Central Assistance (SCA) and prepare drafts of Reports pertaining to the State(s)/UT(s) under their jurisdiction.

32.11 To prepare and maintain a comprehensive and up-to-date database of Scheduled Tribes population, education, development etc. in the State(s)/UT(s); and

32.12 To perform any other duty specifically assigned/entrusted to the Regional Office(s) by the Commission or the Secretary or any other officer empowered in this regard.

CHAPTER VII**ADVISORY ROLE OF THE COMMISSION****33. INTERACTION OF THE COMMISSION WITH THE STATE GOVERNMENT(S) AND/ OR UNION TERRITORY(S).**

33.1 The Commission shall interact with the State Government(s) / Union Territory(s) through its Members, Secretariat and the Regional Offices.

33.2 The Members in-charge of the State (s)/ Union Territory(s) would interact with the State Government(s) / Union Territory(s) Administration through meetings, personal contacts, visits and correspondence. The information in this regard may be sent to the concerned department/ Organizations well in advance and the Regional offices should also be informed about the same. For this purpose, detailed guidelines may be formulated by the Commission. The Secretariat of the Commission through its concerned Unit(s) would provide necessary assistance and information to the Member for enabling him to discharge his functions effectively. The State Government(s) / Union Territory(s) should provide facilities for transport, security, accommodation etc. to the Member as per his entitlement.

34. INTERACTION WITH THE NITI AAYOG

34.1 The Commission shall interact with the NITI Aayog at appropriate levels through representation in the various Committees, Working Groups or other such bodies set up by the NITI Aayog. The Commission shall indicate this requirement through general or specific communication to the NITI Aayog.

34.2 The Commission may request the NITI Aayog to forward copies of all the documents concerning the process of planning and development and evaluation of all programmes and schemes touching upon the Scheduled Tribes.

34.3 The Commission may decide about the manner of interaction between the Chairperson/ Vice-Chairperson/Members of the Commission and the Deputy Chairman/Members of the NITI Aayog.

35. INTERACTION OF THE REGIONAL OFFICES WITH THE STATE GOVERNMENT(S) AND / OR UNION TERRITORY(S)

35.1 The Regional offices of the Commission shall work in a manner so as to provide a regular and effective link between the State Government(s) or the Union Territory(s) concerned and the Commission. For this purpose, the Commission may send communications to the State Government(s)/ Union Territory(s) suggesting that the officers-in-charge of the Regional offices of the Commission may be taken on important Planning, Evaluation and Advisory bodies including Corporations concerned with the welfare, protection and development of the Scheduled Tribes.

35.2 The officers-in-charge of the Regional offices may be directed or authorized by the Commission to convey to any State authority the formal views, opinion or approach of the Commission on any specific or general matter or issue arising at any meeting or deliberation.

36. RESEARCH/ STUDIES/ SURVEYS/ EVALUATION

36.1 The Commission may undertake studies to evaluate the impact of the development schemes on the socio-economic development of the Scheduled Tribes taken up by the Union or State Government(s) or Union Territory(s). For this purpose, the Commission may constitute Study Teams either at the Headquarters or at the Regional offices. The Study Teams may undertake investigations, surveys or studies either in collaboration with Central or State Govt. authorities or Universities or Research Bodies, as the case may be, or may do so independently.

36.2 The Commission may entrust surveys or evaluation studies to any professional body or person considered suitable and competent to undertake such work and, for this purpose, may make any reasonable payment to such body or person towards the cost of the study by way of fee or grant.

36.3 The studies so undertaken or their gist may form part of the Annual or Special Report(s) of the Commission to be presented to the President or may be published separately by the Commission.

36.4 The Commission may forward a copy of such a study report to the Union or the State Government(s) or Union Territory(s) concerned, as the case may be, asking for their comments, if any. The comments or action taken reports by the Union/ State Government(s)/ Union Territory(s) may also form part of the Annual Report of the Commission.

CHAPTER VIII

MONITORING FUNCTIONS OF THE COMMISSION

37. THE COMMISSION TO DETERMINE SUBJECTS FOR MONITORING

The Commission may determine from time to time the subjects or matters and areas that it would monitor relating to safeguards and other socio-economic development measures provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Govt.

38. PRESCRIBING RETURNS AND REPORTS

38.1 The Commission may prescribe periodical returns or reports to be furnished by any authority responsible for or having control of the subject matter of which monitoring is being done by the Commission.

38.2 The Commission may from time to time issue instructions to its Regional offices to collect information and data on any particular subject or matter from the State Government(s)/ Union Territory(s), Local bodies, Corporate Bodies or any other authorities which is charged with the implementation of the safeguards provided for the Scheduled Tribes.

38.3 The Commission may direct its Regional offices to process the information of data in the Regional offices with a view to arrive at conclusions with regard to the deficiencies/ shortcomings discovered through such processing or analysis of the data and to bring these to the notice of the concerned authority for comments and rectification, wherever necessary.

38.4 The Commission may have data relating to the subjects monitored, collected at the headquarters and may prescribe returns and reports for the purpose to be sent directly to its headquarters by Ministries/ Department(s) of the Central government or State Government(s) or Union Territory(s) or Public Sector Undertaking(s) or any other body or authority which is charged with the responsibility of implementing safeguards relating to the Scheduled Tribes.

39. FOLLOW-UP ACTION

39.1 In order to ensure that monitoring is done effectively, the Commission, after getting the information as prescribed in the above rules and after reaching conclusions, may as early as possible send out communications to the concerned authority describing the shortcomings that have been noticed in the implementation of the safeguards and suggesting corrective steps. Decisions on sending out such a communication may be taken at a level not lower than that of Joint Secretary/Secretary at Headquarters. Directors-in-Charge of Regional offices may take decisions on routine matter whereas they will seek approval of the Secretary and the concerned Member on complex and important matters affecting the interest of Scheduled Tribes as a group.

39.2 The Commission may ask for the comments of the concerned authority on the action taken in pursuance of the communications sent under these Rules.

39.3 The Commission may include in its Annual Report or any Special Report, findings and conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and socio-economic development measures provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Union/ State Government(s)/ Union Territory(s).

CHAPTER IX

MISCELLANEOUS

40. NON-FORMAL ACTIONS BY THE COMMISSION

40.1 The Commission may initiate correspondence in special cases in matters which are not strictly covered under the law if the matter is such that the welfare of an individual person belonging to Scheduled Tribes or that of a group of such persons is involved and it is necessary for the Commission in its inherent capacity as the protector of the interests of these classes of persons, to take action. The decision for correspondence on such matter shall be taken at the level of Director or above.

40.2 All routine formal communications from the Commission shall be issued under the signatures of an Officer not below the rank of Research Officer/ Section Officer.

40.3 The Commission can sue or be sued through its Secretary.

40.4 The Scheduled Tribes in these rules will have the same connotation as is given in clause 10 of Article 338A of the Constitution.

41. APPLICABILITY OF RULES, ETC., OF THE CENTRAL GOVERNMENT

41.1 All rules, regulations and orders issued by the Central Government and applicable in the Ministries/Departments will also apply in the Commission.

41.2 The provisions relating to the delegation of financial powers in the Government of India shall apply to the corresponding officers in the Commission with the approval of Chairperson.

42. USE OF STAFF CARS

The Staff Car Rules of the Government of India shall apply for the purposes of utilization of staff cars in the Commission.

43. DECISION ON MATTERS NOT SPECIFIED IN THESE RULES

43.1 If a question arises regarding any such matter for which no provision exists in these rules, the decision of the Chairperson shall be sought. The Chairperson may, if he deems fit, direct that the matter to be considered at a meeting of the Commission.

43.2 All proposals relating to procurement of goods as well as those related financial implications involving the Commission above Rs. 8,00,000/- (eight lakh) shall be approved by the Commission.

[F. No. 23/02/NCST/2021-Coord.]

ALKA TIWARI, Secy.

FORM-I

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional body exercising powers of Civil Courts under Article 338A of the Constitution of India)

6th Floor, Loknayak Bhawan

New Delhi-110003

(NOTICE FOR COLLECTING BASIC FACTS)

To

Whereas a Petition/ complaint/ information has been received by the National Commission for Scheduled Tribes from _____ or press news under caption _____ appearing in _____ dated _____ as enclosed and the Commission

has decided to investigate/inquire into the matter in pursuance of the powers conferred upon it under Article 338A of the Constitution of India. You are hereby requested to submit the facts and information pertaining to the said allegations/matters and/or information on the action taken on the said allegations/matters to the undersigned within 3/7/15/30 days of receipt of this notice either by post or in person or by any other means of communication.

Please take notice that in case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the powers of Civil Courts conferred on it under Article 338A of the Constitution of India and issue summons for your appearance in person or by a representative before the Commission.

Signature

Director/Dy.Secretary/UnderSecretary/Dy.Director/AssistantDirector/

Research Officer/Section Officer

Telephone No.

Email ID

Dated: _____

FORM-II

BEFORE THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional body exercising powers of Civil Courts under Article 338A of the Constitution of India)

SUMMONS

File No.:

6th Floor, Loknayak Bhawan

New Delhi-110003

To,

Whereas the National Commission for Scheduled Tribes has decided to investigate into the following matter in pursuance of powers conferred upon it under Article 338A of the Constitution of India, your attendance is hereby required in person to appear before the National Commission for Scheduled Tribes on the _____ day of _____ 20____ at _____ hours at _____. You are required to bring with you the connected documents for examination by the National Commission for Scheduled Tribes.

Case reference.

If you fail to comply with this order without lawful excuse, you shall be subjected to the consequences of non-attendance laid down in Rule 12 of Order XVI of Code of Civil Procedure, 1908.

Given under my hand and seal of the National Commission for Scheduled Tribes exercising powers of Civil Court this _____ day of _____ 20____.

Signature

Court Officer

SEAL

FORM-III**BEFORE THE NATIONAL COMMISSION FOR SCHEDULED TRIBES**

(A Constitutional body exercising powers of Civil Courts under Article 338A of the Constitution of India)

SUMMONS

File No.:

6th Floor, Loknayak Bhawan
New Delhi-110003

To,

Whereas the National Commission for Scheduled Tribes has decided to investigate into the following matter in pursuance of powers conferred upon it under Article 338A of the Constitution of India, your attendance is hereby required in person or through authorised representative to appear before the National Commission for Scheduled Tribes on the _____ day of _____ 20____ at _____ hours at _____. You or your authorised representative is required to bring with you the connected documents for examination by the National Commission for Scheduled Tribes.

Case reference.

If you fail to comply with this order without lawful excuse, you shall be subjected to the consequences of non-attendance laid down in Rule 12 of Order XVI of Code of Civil Procedure, 1908.

Given under my hand and seal of the National Commission for Scheduled Tribes exercising powers of Civil Court this _____ day of _____ 20____.

Signature
Court Officer

SEAL

FORM-IV**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

(A Constitutional body exercising powers of Civil Court under Article 338A of the Constitution of India)

(WARRANT OF ARREST OF WITNESS)

6th Floor, Loknayak Bhawan
New Delhi-110003

To,

Whereas Mr/Mrs/Ms _____, R/o _____ was duly served with a summons but has failed to attend (absconds and keeps out of the way for the purpose of avoiding service of a summons), the National Commission for Scheduled Tribes exercising powers of a Civil Court under Article 338A(8) of the Constitution of India hereby order you to arrest and bring the said _____ before the National Commission for Scheduled Tribes at New Delhi.

You are further ordered to return this warrant on or before the _____ day of _____ 20____ with an endorsement certifying the day and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hands and the seal of the National Commission for Scheduled Tribes exercising powers of Civil Court, this _____ day of _____ 20____.

Signature
Court Officer

SEAL

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-22

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಶಾಇ 37 ಕೇಶಾಪ್ರ 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 13.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE TRIBUNALS REFORMS ACT, 2021 (NO. 33 OF 2021) ಅನ್ನು
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228989
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 45] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

An Act further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Tribunals Reforms Act, 2021.

(2) It shall be deemed to have come into force on the 4th April, 2021.

Short title and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(b) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member of a Tribunal;

(c) "notified date" means the 4th April, 2021;

(d) "Schedule" means the Schedule appended to this Act;

(e) "Tribunal" means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the First Schedule.

CHAPTER II

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNAL

Qualifications, appointment, etc., of Chairperson and Members of Tribunal.

3. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Central Government may, by notification in the Official Gazette, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and other conditions of service of the Chairperson and Member of a Tribunal after taking into consideration the experience, specialisation in the relevant field and the provisions of this Act:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member.

(2) The Chairperson and the Member of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee, except for the State Administrative Tribunal, shall consist of—

(a) a Chairperson, who shall be the Chief Justice of India or a Judge of Supreme Court nominated by him;

(b) two Members, who are Secretaries to the Government of India to be nominated by that Government;

(c) one Member, who —

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of that Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of that Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India:

Provided that in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947;

14 of 1947.

(ii) Debt Recovery Tribunal and Debt Recovery Appellate Tribunal established under the Recovery of Debts and Bankruptcy Act, 1993;

51 of 1993.

(iii) where the Chairperson or the outgoing Chairperson, as the case may be, of a Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government, in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary:

Provided that the Search-cum-Selection Committee for a State Administrative Tribunal shall consist of—

(a) the Chief Justice of the High Court of the concerned State—Chairman;

(b) the Chief Secretary of the concerned State Government—Member;

(c) the Chairman of the Public Service Commission of the concerned State—Member;

(d) one Member, who—

(i) in case of appointment of a Chairman of the Tribunal, shall be the outgoing Chairman of the Tribunal; or

(ii) in case of appointment of a Member of the Tribunal, shall be the sitting Chairman of the Tribunal; or

(iii) in case of the Chairman of the Tribunal seeking re-appointment, shall be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State:

Provided that such Member shall always be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State, if the Chairperson or the outgoing Chairperson of the State Administrative Tribunal, as the case may be, is not a retired Chief Justice or Judge of a High Court;

(e) the Secretary or the Principal Secretary of the General Administrative Department of the concerned State—Member-Secretary.

(4) The Chairperson of the Search-cum-Selection Committee shall have the casting vote.

(5) The Member-Secretary of the Search-cum-Selection Committee shall not have any vote.

(6) The Search-cum-Selection Committee shall determine the procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Search-cum-Selection Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations made by that Committee, preferably within three months from the date of such recommendation.

(8) No appointment shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

4. The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Chairperson or a Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such Chairperson or Member; or

Removal of
Chairperson or
Member of
Tribunal.

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Term of office of Chairperson and Member of Tribunal.

5. Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date, and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment, subject to a maximum term of office of five years.

Eligibility for re-appointment.

6. (1) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this Act:

Provided that, in making such re-appointment, preference shall be given to the service rendered by such person.

(2) All re-appointments shall be made in the same manner as provided in sub-section (2) of section 3.

Salary and allowances.

7. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for the salary of the Chairperson and Member of a Tribunal and they shall be paid allowances and benefits to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided that, if the Chairperson or Member takes a house on rent, he may be reimbursed a house rent higher than the house rent allowance as are admissible to a Central Government officer holding the post carrying the same pay, subject to such limitations and conditions as may be provided by rules.

(2) Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or Member of the Tribunal may be varied to his disadvantage after his appointment.

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

8. In section 7D of the Industrial Disputes Act, 1947, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER IV

AMENDMENTS TO THE CINEMATOGRAH ACT, 1952

9. In the Cinematograph Act, 1952,—

Amendment
of Act 37 of
1952.

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word "Tribunal", at both the places where it occurs, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words and brackets "or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)" shall be omitted;

(e) in sections 7A and 7C, for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(f) in sections 7D, 7E and 7F, the words "the Tribunal", wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j) and (k) shall be omitted.

CHAPTER V

AMENDMENTS TO THE COPYRIGHT ACT, 1957

10. In the Copyright Act, 1957,—

Amendment
of Act 14 of
1957.

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

'(fa) "Commercial Court", for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;';

(iii) for clause (u), the following clause shall be substituted, namely:—

'(u) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;';

(b) in section 6,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) the words and figures "constituted under section 11 whose decision thereon shall be final" shall be omitted;

(c) in Chapter II, in the Chapter heading, the words "AND APPELLATE BOARD" shall be omitted;

(d) sections 11 and 12 shall be omitted;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(f) in section 50, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 53A,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) in sub-section (2), the words "and the decision of the Appellate Board in this behalf shall be final" shall be omitted;

(h) in section 54, for the words "Appellate Board", the words "Commercial Court" shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

"72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.";

(j) in sections 74 and 75, the words "and the Appellate Board", wherever they occur, shall be omitted;

(k) in section 77, the words "and every member of the Appellate Board" shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (cA) and (ccB) shall be omitted;

(ii) in clause (f), the words "and the Appellate Board" shall be omitted.

CHAPTER VI

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment
of Act 43 of
1961.

11. In section 252A of the Income-tax Act, 1961, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER VII

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment
of Act 52 of
1962.

12. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

(i) in sub-section (1), for the words "Appellate Authority", at both the places where they occur, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words "or Appellate Authority", wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words "and Appellate Authority" shall be omitted;

(ii) sub-section (2) shall be omitted;

(g) in section 129, in sub-section (7), for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017.

CHAPTER VIII

AMENDMENTS TO THE PATENTS ACT, 1970

13. In the Patents Act, 1970,—

Amendment
of Act 39 of
1970.

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words "Appellate Board or", wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words "the Appellate Board or", wherever they occur, shall be omitted;

(ii) the words "as the case may be" shall be omitted;

(d) in section 59, the words "the Appellate Board or" shall be omitted;

(e) in section 64, in sub-section (1), the words "by the Appellate Board" shall be omitted;

(f) in section 71, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 76, the words "or Appellate Board" shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words "the Appellate Board or", wherever they occur, shall be omitted;

(B) the words "as the case may be" shall be omitted;

(ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;

(i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(i) in sub-section (I), the words "or the Appellate Board", at both the places where they occur, shall be omitted;

(ii) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER IX

AMENDMENT TO THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

Amendment
of Act 13 of
1976.

14. In section 12A of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER X

AMENDMENT TO THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Amendment
of Act 13 of
1985.

15. In section 10B of the Administrative Tribunals Act, 1985, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XI

AMENDMENT TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment
of Act 54 of
1987.

16. In section 9A of the Railway Claims Tribunal Act, 1987, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Amendment
of Act 15 of
1992.

17. In section 15QA of the Securities and Exchange Board of India Act, 1992, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

18. In the Recovery of Debts and Bankruptcy Act, 1993,—Amendment
of Act 51 of
1993.

7 of 2017.

(a) in section 6A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted;

7 of 2017.

(b) in section 15A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XIV

AMENDMENTS TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

19. In the Airports Authority of India Act, 1994,—Amendment
of Act 55 of
1994.

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word "Tribunal", at both the places where it occurs, the words "Central Government" shall be substituted;

(c) sections 28-I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (I),—

(A) for the words "Tribunal in such form as may be prescribed", the words "High Court" shall be substituted;

(B) in the proviso, for the word "Tribunal", the words "High Court" shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words "or the Tribunal" shall be omitted;

(g) in section 28N, in sub-section (2), for the word "Tribunal", the words "High Court" shall be substituted;

(h) in section 33, the words "or the Chairperson of the Tribunal" shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER XV

AMENDMENT TO THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

20. In section 14GA of the Telecom Regulatory Authority of India Act, 1997, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 24 of
1997.

7 of 2017.

CHAPTER XVI

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment
of Act 47 of
1999.

21. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1),—

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

'(s) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;'

(b) in section 10, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 26, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(d) in section 46, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in section 47, —

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(f) in section 55, in sub-section (1), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(g) in section 57, —

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(h) in section 71, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(i) in Chapter XI, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

"94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members shall not appear before the Registrar."

(n) sections 95 and 96 shall be omitted;

(o) in section 97, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

Bar to
appear before
Registrar.

(p) in section 98, for the words "Appellate Board" or "Board", wherever they occur, the words "High Court" shall be substituted;

(q) sections 99 and 100 shall be omitted;

(r) in section 113,—

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(s) in section 123, the words "and every Member of the Appellate Board" shall be omitted;

(t) in sections 124 and 125, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(u) in section 130, the words "the Appellate Board or" shall be omitted;

(v) in section 141, for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(w) in section 144, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(x) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), for the words "Appellate Board", the words "High Court" shall be substituted.

CHAPTER XVII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

22. In the Geographical Indications of Goods (Registration and Protection) Act, 1999,— Amendment of Act 48 of 1999.

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 23, for the words "and before the Appellate Board before which", the words "before whom" shall be substituted;

(d) in section 27,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(f) in section 31,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(*h*) in sections 34 and 35, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*i*) section 36 shall be omitted;

(*j*) in section 48,—

(*i*) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(*ii*) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*k*) in sections 57 and 58, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*l*) in section 63, the words "the Appellate Board or" shall be omitted;

(*m*) in section 72, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*n*) in section 75, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*o*) in section 87, in sub-section (2), clause (*n*) shall be omitted.

CHAPTER XVIII

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Amendment
of Act 53 of
2001.

23. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(*a*) in section 2,—

(*i*) clauses (*d*), (*n*) and (*o*) shall be omitted;

(*ii*) for clause (*q*), the following clause shall be substituted, namely:—

'(*q*) "prescribed" means,—

(*i*) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(*ii*) in other cases, prescribed by rules made under this Act;'

(*iii*) clauses (*y*) and (*z*) shall be omitted;

(*b*) in section 44, the words "or the Tribunal" shall be omitted;

(*c*) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(*d*) sections 54 and 55 shall be omitted;

(*e*) in section 56,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (3) shall be omitted;

(*f*) in section 57,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (5) shall be omitted;

(*g*) sections 58 and 59 shall be omitted;

(h) in section 89, the words "or the Tribunal" shall be omitted.

CHAPTER XIX

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

24. In the Control of National Highways (Land and Traffic) Act, 2002,—

Amendment
of Act 13 of
2003.

(a) in section 2,—

(i) clause (a) shall be omitted;

(ii) after clause (d), the following clause shall be inserted, namely:—

'(da) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;'

(iii) clause (l) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words "AND TRIBUNALS, ETC." shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

"14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.";

Appeal.

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words "or every order passed or decision made on appeal under this Act by the Tribunal" shall be omitted;

(ii) the words "or Tribunal" shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XX

AMENDMENT TO THE ELECTRICITY ACT, 2003

7 of 2017. **25.** In section 117A of the Electricity Act, 2003, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 36 of
2003.

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

7 of 2017. **26.** In section 9A of the Armed Force Tribunal Act, 2007, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the

Amendment
of Act 55 of
2007.

section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XXII

AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

27. In section 10A of the National Green Tribunal Act, 2010, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIII

AMENDMENT TO THE COMPANIES ACT, 2013

Amendment
of Act 18 of
2013.

28. In section 417A of the Companies Act, 2013, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIV

AMENDMENT TO THE FINANCE ACT, 2017

Amendment
of Act 7 of
2017.

29. In the Finance Act, 2017, sections 183 and 184 and the Eighth Schedule shall be omitted.

CHAPTER XXV

AMENDMENT TO THE CONSUMER PROTECTION ACT, 2019

Amendment
of Act 35 of
2019.

30. In section 55 of the Consumer Protection Act, 2019, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) Notwithstanding anything contained in sub-section (I), the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the National Commission appointed after the commencement of the Tribunal Reforms Act, 2021, shall be governed by the provisions of the said Act."

CHAPTER XXVI

MISCELLANEOUS

Power to
amend the
Schedule.

31. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification published in the Official Gazette, amend the Schedule and thereupon, the said Schedule shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is issued.

Rules to be
laid before
Parliament.

32. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Second Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional provisions.

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Second Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

43 of 1961.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the court before which it would have been filed had this Act been in force on the date of filing of such appeal or application or initiation of the proceeding, and the court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or *de novo*, as the court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the notified date.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Ord. 2 of 2021.

35. (1) The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby repealed.

Repeal and saving.

37 of 1952.
14 of 1957.
52 of 1962.
39 of 1970.
55 of 1994.
47 of 1999.
48 of 1999.
53 of 2001.
13 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Cinematograph Act, 1952, the Copyright Act, 1957, the Customs Act, 1962, the Patents Act, 1970, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999, the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Protection of Plant Varieties and Farmers' Rights Act, 2001 and the Control of National Highways (Land and Traffic) Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

THE FIRST SCHEDULE

[See section 2(e)]

Sl. No.	Tribunal/Appellate Tribunal/Board/ Authority	Acts
(1)	(2)	(3)
1.	Industrial Tribunal constituted by the Central Government	The Industrial Disputes Act, 1947 (14 of 1947)
2.	Income-tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
3.	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
4.	Appellate Tribunal	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)
5.	Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
6.	State Administrative Tribunals	The Administrative Tribunals Act, 1985 (13 of 1985)
7.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
8.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
9.	Debts Recovery Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
10.	Debts Recovery Appellate Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
11.	Telecom Disputes Settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
12.	National Company Law Appellate Tribunal	The Companies Act, 2013 (18 of 2013)
13.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)
14.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
15.	Armed Forces Tribunal	The Armed Forces Act, 2007 (55 of 2007)
16.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010).

THE SECOND SCHEDULE

(See section 33)

1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (55 of 1994).
4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-23

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಶಾಇ 38 ಕೇಶಾಪು 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 13.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE TAXATION LAWS (AMENDMENT) ACT, 2021 (NO. 34 OF
2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228986
CG-DL-E-13082021-228986

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 46] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TAXATION LAWS (AMENDMENT) ACT, 2021

No. 34 OF 2021

[13th August, 2021.]

An Act further to amend the Income-tax Act, 1961 and the Finance Act, 2012.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Taxation Laws (Amendment) Act, 2021.

Short title.

CHAPTER II

AMENDMENT TO THE INCOME-TAX ACT, 1961

43 of 1961.

2. In section 9 of the Income-tax Act, 1961, in sub-section (1), in clause (i), in Explanation 5, after the third proviso, the following provisos shall be inserted, namely:—

Amendment of section 9.

"Provided also that nothing contained in this Explanation shall apply to—

(i) an assessment or reassessment to be made under section 143, section 144, section 147 or section 153A or section 153C; or

(ii) an order to be passed enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154; or

(iii) an order to be passed deeming a person to be an assessee in default under sub-section (1) of section 201,

in respect of income accruing or arising through or from the transfer of an asset or a capital asset situate in India in consequence of the transfer of a share or interest in a company or entity registered or incorporated outside India made before the 28th day of May, 2012:

Provided also that where—

(i) an assessment or reassessment has been made under section 143, section 144, section 147 or section 153A or section 153C; or

(ii) an order has been passed enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154; or

(iii) an order has been passed deeming a person to be an assessee in default under sub-section (1) of section 201; or

(iv) an order has been passed imposing a penalty under Chapter XXI or under section 221,

in respect of income accruing or arising through or from the transfer of an asset or a capital asset situate in India in consequence of the transfer of a share or interest in a company or entity registered or incorporated outside India made before the 28th day of May, 2012 and the person in whose case such assessment or reassessment or order has been passed or made, as the case may be, fulfils the specified conditions, then, such assessment or reassessment or order, to the extent it relates to the said income, shall be deemed never to have been passed or made, as the case may be:

Provided also that where any amount becomes refundable to the person referred to in fifth proviso as a consequence of him fulfilling the specified conditions, then, such amount shall be refunded to him, but no interest under section 244A shall be paid on that amount.

Explanation.—For the purposes of fifth and sixth provisos, the specified conditions shall be as provided hereunder:—

(i) where the said person has filed any appeal before an appellate forum or any writ petition before the High Court or the Supreme Court against any order in respect of said income, he shall either withdraw or submit an undertaking to withdraw such appeal or writ petition, in such form and manner as may be prescribed;

(ii) where the said person has initiated any proceeding for arbitration, conciliation or mediation, or has given any notice thereof under any law for the time being in force or under any agreement entered into by India with any other country or territory outside India, whether for protection of investment or otherwise, he shall either withdraw or shall submit an undertaking to withdraw the claim, if any, in such proceedings or notice, in such form and manner as may be prescribed;

(iii) the said person shall furnish an undertaking, in such form and manner as may be prescribed, waiving his right, whether direct or indirect, to seek or pursue any remedy or any claim in relation to the said income which may otherwise be available to him under any law for the time being in force, in equity, under any

statute or under any agreement entered into by India with any country or territory outside India, whether for protection of investment or otherwise; and

(iv) such other conditions as may be prescribed.”.

CHAPTER III

AMENDMENT TO THE FINANCE ACT, 2012

23 of 2012.

3. In the Finance Act, 2012, in section 119, the following provisos shall be inserted, namely:—

Amendment
of section
119.

"Provided that this section shall cease to apply to the person who fulfils the following conditions, namely:—

(i) where such person has filed any appeal before an appellate forum or a writ petition before the High Court or the Supreme Court against any order in respect of said income, he shall, either withdraw or submit an undertaking to withdraw such appeal or writ petition, in such form and manner as may be prescribed;

(ii) where such person has initiated any proceeding for arbitration, conciliation or mediation, or has given any notice thereof under any law for the time being in force or under any agreement entered into by India with any other country or territory outside India, whether for protection of investment or otherwise, he shall either withdraw or submit an undertaking to withdraw the claim, if any, in such proceedings or notice, in such form and manner as may be prescribed;

(iii) such person shall furnish an undertaking, in such form and manner as may be prescribed, waiving his right, whether direct or indirect, to seek or pursue any remedy or any claim in relation to the said income which may otherwise be available to him under any law for the time being in force, in equity, under any statute or under any agreement entered into by India with any country or territory outside India, whether for protection of investment or otherwise; and

(iv) such other conditions as may be prescribed:

43 of 1961.

Provided further that if any amount becomes refundable under the Income-tax Act, 1961 to the person referred to in first proviso as a consequence of him fulfilling said conditions, such amount shall be refunded to him, but no interest under section 244A of the Income-tax Act, 1961 shall be paid on that amount.”.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-24

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇಶಾಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 19.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE GENERAL INSURANCE BUSINESS (NATIONALISATION)
AMENDMENT ACT, 2021 (NO.37 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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No. 50] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE GENERAL INSURANCE BUSINESS (NATIONALISATION) AMENDMENT ACT, 2021

No. 37 OF 2021

[18th August, 2021.]

An Act further to amend the General Insurance Business (Nationalisation) Act, 1972.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the General Insurance Business (Nationalisation) Amendment Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.	<p>2. In section 3 of the General Insurance Business (Nationalisation) Act, 1972 (hereinafter referred to as the principal Act),—</p> <p>(i) after clause (b), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">'(ba) "board of directors" or "board", in relation to a specified insurer, shall have the same meaning as assigned to it in clause (10) of section 2 of the Companies Act, 2013;'</p> <p>(ii) in clause (c), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;</p> <p>(iii) for clause (g), the following clause shall be substituted, namely:—</p> <p style="padding-left: 40px;">'(g) "general insurance business" shall have the same meaning as assigned to it in the Insurance Act, 1938;'</p> <p>(iv) in clause (h), for the word and figures "section 617", the words, brackets and figures "clause (45) of section 2" shall be substituted;</p> <p>(v) after clause (o), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">'(oa) "specified insurer" means the Corporation as defined in clause (d) or any of the insurance companies specified in section 10A;'</p>	<p>57 of 1972.</p> <p>18 of 2013.</p> <p>1 of 1956. 18 of 2013.</p> <p>4 of 1938.</p>
Amendment of section 9.	<p>3. In section 9 of the principal Act, for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted.</p>	<p>1 of 1956. 18 of 2013.</p>
Amendment of section 10B.	<p>4. In section 10B of the principal Act, the proviso shall be omitted.</p>	
Insertion of new section 24B.	<p>5. After section 24A of the principal Act, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">'24B.(1) On and from the date on which the Central Government ceases to control any specified insurer, after the commencement of the General Insurance Business (Nationalisation) Amendment Act, 2021, the provisions of this Act shall cease to apply in respect of that specified insurer.</p> <p style="padding-left: 40px;">(2) Notwithstanding anything contained in sub-section (1), on the date of cessation of applicability referred to in sub-section (1),—</p> <p style="padding-left: 80px;">(a) any scheme framed by the Central Government under sub-section (1) of section 17A in respect of the specified insurer referred to in sub-section (1) shall be deemed to have been adopted by the board of directors of such specified insurer:</p> <p style="padding-left: 80px;">Provided that the board of directors may make such additions, amendments or variations thereto, or frame new policy in place of such scheme, as it may deem appropriate;</p> <p style="padding-left: 80px;">(b) without prejudice to the generality of the power of the board of directors of the specified insurer under clause (a), all powers exercisable by the Central Government under a scheme framed by it in sub-section (1) of section 17A shall be exercisable by that board of directors.</p> <p style="padding-left: 40px;"><i>Explanation 1.</i>—For the purposes of this section, the expression "control" means the right of the Central Government, in relation to a specified insurer,—</p> <p style="padding-left: 80px;">(i) to appoint a majority of its directors; or</p> <p style="padding-left: 80px;">(ii) to have power over its management or policy decisions,</p> <p style="padding-left: 40px;">by virtue of its shareholding rights or management rights under its articles of association or shareholders agreements or voting agreements or any other agreements executed with the specified insurer or any other person in relation to the specified insurer.</p>	

Explanation 2.—For the removal of doubts, it is hereby clarified that—

(i) the provisions of this section shall also apply to any rule, scheme, direction or notification made under this Act before the cessation of applicability;

(ii) the cessation of applicability shall not revive anything that was not already in force or in existence under this Act or affect anything previously done or suffered under this Act;

(iii) the board of directors of the specified insurer shall exercise the powers referred to in sub-section (2), subject to any requirement under any law for the time being in force.'

6. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
31A.

'31A. A director of a specified insurer who is not its whole-time director shall be held liable only in respect of such acts of omission or commission of the specified insurer which had been committed with his knowledge, attributable through board processes, and with his consent or connivance or where he had not acted diligently.

Liability of
director of
specified
insurer.

Explanation.—For the purposes of this section, the reference to "board" shall include committees of the board.'

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸೋಮವಾರ, ೦೪, ಏಪ್ರಿಲ್, ೨೦೨೨

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

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